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ORATIONS OF CICERO.

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ORATIONS OF CICERO. SELECTED
AND EDITED, WITH AN INTRO-
DUCTION, BY FRED. W. NORRIS.

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PREFATORY NOTE.



THE translation used in the text is by William Guthrie, an indefatigable writer on historical subjects who flourished in the latter half of the eighteenth century. His versions from Cicero had considerable popularity, and ran through several editions.

The historical matter in the Introduction has been carefully selected to supply the place of a commentary. It should render everything, except unimportant details, quite clear to the reader. The speeches are printed in chronological order.

HISTORICAL AND BIOGRAPHICAL INTRODUCTION.

THE orations of Cicero present to us the public life and social condition of Rome in the most pregnant times of her history. The picture, though sometimes tinted with the colours of rhetoric or obscured by the gloom of party strife, is in the main clearly and faithfully limned by an honest and single-minded man.

In the fifty years before Cicero's birth, those causes began to operate which changed the old Roman thought and feeling, and finally led to the decay of the Republic. Cicero lived through the dictatorship of Julius Cæsar, and died just before the establishment of the Empire. It is impossible to estimate his character justly, without forming clear ideas of the nature of these changes, and of the leaders and factions concerned in them.

Ancient Rome was a military commonwealth; its citizens were husbandmen of simple life and frugal habits. The successful issue of the Republic's struggle for existence against its powerful neighbours was followed by the spread of the Roman dominion over the whole of Italy. The continual wars waged by the Romans in the expansion of their power bred a race of men whose virtues were courage, obedience to discipline, the deepest respect for the law, simplicity of life, and steadiness of character.

Such were the qualities for which Cincinnatus, the Curi, and other national heroes received honour from their descendants—the virtues that Cato strove by his legislation and example to revive in the men of the later Republic.

Rome was now mistress of all Italy, and she became the rival of the great powers of the ancient world. Carthage, Greece, and the Eastern monarchies successively fell before her, and Rome became the centre of the world. The magnitude of these external wars had called for great standing armies, commanded by experienced generals, whose lives were devoted to the military art; the legions that had conquered Italy, led by the magistrates of the year, and enrolled from citizens who, leaving their daily work to fight for the Fatherland, returned to their shops and farms when the campaign was ended, were inadequate for such warfare. The altered position of the Republic could not fail to bring about changes in its politics and society.

The strife in which the plebeians had wrung political equality from the patricians had been long and obstinate, but it had been stained by no violence or bloodshed; the two castes had blended, and the distinction had lost its importance.

The magistracies could be attained by any man of sufficient ability and wealth, although the Nobles, men who had held office themselves or were the descendants of magistrates, did their utmost to exclude from their class new men, *i.e.* those who sought election to curule honours without the recommendation of noble birth. The rural population of Italy still cultivated the traditional Roman virtues; in the city itself, though praised by most, they were practised by few. Enormous riches were

accumulated in the hands of capitalists, while a large class were reduced to extreme poverty and kept in subjection by the usurious bargains they were forced to make with rich financiers. All the adventurers and ne'er-do-wells of the empire betook themselves to the city, which thus contained a vast population of discontented and desperate men. The aristocracy transplanted to Rome the voluptuousness of the East and the art of Greece; the former thrived well enough, but the latter, in spite of the riches lavished upon it, remained a sickly exotic. Both agreed ill with the Roman character. Its coarseness did not fail to appear through all the magnificence of the new luxury; its intellectual defects were not covered by an assumption of Hellenic subtilty and refinement. Habits of licence and extravagance grew among the nobility, and the ruined scions of aristocratic houses—men such as Catiline, Clodius, and Mark Antony, vicious and penniless but adorned by brilliant abilities, cast in their lot with the turbulent element and became its leaders.

Twenty years before Cicero's birth, another important party arose in the state. The legislation of the Gracchi did something to alleviate the distress of the very poor; its most durable result was the creation of the Equester Ordo (the Knights), into whose hands great judicial powers were given. They were men who, though not noble, possessed a good property qualification. Their influence was at first to weaken the power of the Senate, but they were not consistently devoted to the popular cause, and held the balance of power between Nobles and populace. In brief, then, the three factions in Rome when Cicero began his career were the Nobles, who upheld the supremacy of the Senate and strove to reserve all the magistracies for them-

selves; the Knights, a commercial middle-class; and the heterogeneous crew banded together as the Democratic party.

Marcus Tullius Cicero was born in the year 106 B.C., at Arpinum. His father was a man of considerable wealth, and belonged to the order of Knights. But no member of the family had ever held a curule magistracy;¹ consequently he was a new man, and likely to find many obstacles in the way of his political advancement. When very young he was taken to Rome by his father, and there he received the best education that could be got. One of his teachers was the Greek poet Archias, whom Cicero years afterwards defended in a speech that is still extant. At the age of sixteen he assumed the toga virilis, and, in accordance with the national custom, was introduced to prominent men that he might form his character and learn the way of the world in their company. He served his first and only campaign in B.C. 89. This was a duty incumbent on every young Roman who looked forward to a public life. But the military career was not congenial to Cicero. His life was given to study: in law his teachers were the cousins Scaevola; in rhetoric, Apollonius Molo of Rhodes; in philosophy, the Epicurean Phædrus, Philo the Academician, and Diodotus the Stoic. He practised composition and declamation in Greek and Latin, and wrote a great deal of indifferent poetry. He began to appear as an advocate in the Forum, and in B.C. 81 defended Quinctius in a civil suit. His powers were soon recognised, and he quickly won a reputation for polished wit and command over all the forces of eloquence. His opportunity for

¹ The three curule honours were the consulship, prætorship, and curule ædileship. One of the signs of their rank was the ivory curule chair on which they sat at public meetings.

distinguishing himself in a public trial was not long in coming.

For seven years civil war had raged in the Republic. The great armies engaged in Rome's foreign wars became attached to the generals who led them to victory; the government was too enfeebled by internal jealousies to control the ambition of a successful commander. It was by the fear of the sword that Marius exalted the popular party; his rival, Sulla, after seven years of bloodshed, overthrew him and his faction, and the Senate again became, in name at least, the supreme power in the state. Both Marius and Sulla ruthlessly abused their power. "Nothing," says Velleius Paterculus, "could have been more cruel than the victory of Marius, had it not been for the victory of Sulla." The first two years of Sulla's dictatorship were a reign of terror: any one suspected even of sympathy with the defeated party might find his name on the lists of the proscribed. Day after day these lists were added to: men fell victims to the false accusations of private enemies, or the greed of creatures who hoped to share in the plunder of confiscated estates.

Not until B.C. 81 did Sulla declare that the proscriptions should cease.

A few months after, a wealthy Amerian named Sextus Roscius, who lived the life of a man of fashion in Rome, was murdered at nightfall in a lonely quarter of the city while returning home from a banquet. By daybreak the news reached Ameria, fifty-six miles away, but strangely enough the hasty message came, not to the victim's son, but to Titus Roscius Capito, a kinsman of the dead man with whom he had quarrelled. The bearer of the tidings was a client of Titus Roscius Magnus, another estranged relative of Sextus Roscius.

Shortly afterwards the news was brought to Chrysogonus, the arrogant and unscrupulous favourite of Sulla. Everything points to collusion between Capito, Magnus, and Chrysogonus. The victim's name was illegally added to the proscription list, though he had been an ardent supporter of Sulla and the senatorial party. His lands at Ameria were sold by public auction, and Chrysogonus bought them for a mere fraction of their real value. Of the thirteen farms, three were given to Capito; Magnus was made overseer of the others for Chrysogonus. Sextus Roscius the son was driven from home, a beggar. The Amerians made an appeal to Sulla, but the accomplices contrived to intercept the deputation, and the attempt came to nothing. But the unfortunate youth found powerful protectors, and the criminals could not feel secure while he lived. Relying on the influence of Chrysogonus, backed by his patron, the Dictator, they accused the son of parricide, hoping that no court would risk Sulla's displeasure by a verdict in favour of Sextus Roscius.

The defence was put to dire straits by the reluctance of all the great advocates to undertake so dangerous a case. Finally, the friends of the accused applied to the rising young orator who had so ably defended Quinctius. He accepted the task; the skill with which he cleared his client and exposed the wrong-doers procured the acquittal of Roscius, which was all that could be hoped for. The boldness of Cicero's protest against the greed of Chrysogonus and the unfair use made of the Dictator's influence was admirably balanced by the tact with which he avoided giving direct offence to Sulla.

Soon after the trial Cicero left Italy to travel in Greece, and study at her seats of learning. It is not unlikely that a wish to avoid Sulla prompted this journey, though it was

on the pretext of weak health that Cicero left the city. He was absent for two years. After visiting Athens and Asia Minor he repaired to his old teacher, Apollonius Molo, who was then lecturing in Rhodes, his native place. Cicero's studies abroad had a great influence on his oratory; his delivery became less strained, and his diction more pure and free from conventional embellishment. On his return to Rome he again began to practise as an advocate, and was soon recognised as the most eloquent pleader of his day. His greatest rival was Hortensius, who held the field against him till the Verres trial, when Cicero decisively asserted his superiority.

He did not yet take a prominent part in politics. He was not a Noble, and could hardly be a cordial supporter of the party which looked askance on his rapid advancement. His own class, the Knights, inclined to the popular faction, for Sulla had deprived them of their judicial functions, and transferred their power to the Senate.

The rapacious Nobles were wont to look forward to a provincial governorship as a means for stocking their empty purses. It was useless for the provincials to seek redress, for the courts that tried these cases were composed of Senators who would not condemn practices by which they themselves had gained wealth or hoped to profit in the future. But in the year 71 B.C., Verres, proprætor at Syracuse, had plundered his province with a thoroughness which was remarkable even in those corrupt days, and which has made his name a by-word ever since. The Sicilians determined to seek restitution and the punishment of their oppressor, and asked Cicero to impeach Verres for extortion and malversation. They placed their cause in his hands because, four years before, he had been quæstor at Lilybæum, and, by his pure and just administration of

that subordinate office, had won the love and confidence of Sicily. Verres and his friends were alarmed, and devised all manner of subterfuges to prevent a fair trial. One Quintus Cæcilius came forward and claimed the right to prosecute Verres in precedence of Cicero. This Cæcilius was in league with the culprit, and intended to conduct the case in such a way that the charge should be dismissed. In Roman procedure, a dispute for precedence such as this was known as *Divinatio*. Cicero's "Divinatio in Q. Cæcilium" is the first of his speeches in the Verres trial. In impetuous eloquence and scathing irony it is excelled by few of the orations; the claims of Cæcilius to conduct the prosecution are set aside with unanswerable evidence and argument.

This ruse having failed, the defence next tried to delay the trial. New magistrates would be elected in a few months, and the candidates likely to gain office were favourable to Verres. Cicero hastened the collecting of evidence, and had his case ready in half the usual time. He opened the trial with a short speech, and proceeded at once to call witnesses. Hortensius, the opposing counsel, saw that his position was untenable and threw up the case. Verres withdrew into voluntary exile.

Cicero had prepared an elaborate examination of the whole public and private life of Verres. Though he was never called upon to use these speeches, he carefully revised them, and published them as the pleadings that would have been made had not Verres fled. They are formally perfect, but the long analysis of wickedness becomes tedious.

Cicero was now without a rival in the Forum. He began to make a figure in politics, and held in turn the offices of curule ædile and prætor, which were necessary

steps to the consulship. His love for the old laws and forms of government drew him towards the Senatorial party, but he was not of noble birth, and the aristocracy would have none of him. He could not approve of the revolutionary aims of the more advanced democrats. He had conceived a great admiration for Pompeius, who was now the greatest citizen of the Republic. His brilliant achievements in war had almost raised Pompey to the height which Sulla had occupied. But Pompey lacked audacity and definite aims; he wavered between the two great factions, and appeared afraid to exercise fully the great power he had. Cicero was not the only man who was deceived by this hesitation, and set it down to moderation and disinterested patriotism.

The long commands over great armies that Pompey wrung from the unwilling Senate were strongly supported by Cicero, who, when he stood for the consulship, could count on the votes of the more reputable democrats, the whole of the order of Knights, and all Pompey's adherents. Among the competitors for the consulship of the year 63 B.C. two were dangerous rivals, L. Sergius Catilina and G. Antonius Hybrida. The former was a patrician, but the most desperate of political adventurers, and the Nobles, rather than put themselves in his power, gave their votes to Cicero, though he was a new man. The elected candidates were Cicero and Antonius.

The year of his consulship was the supreme one of Cicero's life. His most glorious deed was the quelling of a great conspiracy which threatened to plunge the Republic into anarchy and bloodshed. The composite nature of the democratic party has been already indicated. Its political leaders were Crassus, the richest citizen of Rome, and Julius Cæsar, who was rapidly making his way to the front

in spite of the enormous debts he had contracted by youthful excesses and extravagance. Pompey's sympathy with the popular cause was uncertain; besides, he was away in the East, pursuing the great war with Mithridates. Constitutional measures were too slow for the ruined and out-cast spendthrifts so numerous among the democrats. The most reckless of all these losels was Catiline, who had already planned wild-cat schemes of revolution which his own precipitancy had brought to nothing. The historian Sallust has painted Catiline and his associates in lurid colours.

"Lucius Catilina, born of a noble line, was a man with great powers both of mind and body, but of corrupt and evil heart. From his youth upward civil war, slaughter, rapine, and political turmoil had been his delight, and therein he passed his early days. His frame could endure hunger, cold, and sleeplessness to an incredible degree. His daring, crafty, and many-sided spirit could feign or conceal whatsoever he pleased. Though greedy of the possessions of others, he was prodigal of his own. His passions were fiery; plenty of eloquence was his, but little wisdom. The desires of his ranging soul were ever ungoverned, marvellous and unattainably lofty. After the despotism of Sulla, a great longing entered him to seize upon the commonwealth, nor did he scruple by what means he should attain his end provided that he gained the sovereignty. Day by day his ardent spirit was more and more vexed by the poverty of his household and the consciousness of guilt." (Sallust's *Conspiracy of Catiline*, ch. v.)

"Whoever had scattered his patrimony to the winds, or contracted huge debts to pay the price of his crimes and villanies; parricides too from everywhere; the excommuni-

cated; men under the ban of judgment or dreading judgment for their deeds; with these, all who lived by the bloody hand or forsworn tongue—every one, in fine, who was tormented by evil deeds or poverty or a guilty conscience—such were the intimates and friends of Catiline.” (*Ibid.*, ch. xiv.)

Though everything was in their favour,—the state torn by selfish jealousies, its forces absent in Asia,—it is very improbable that such a crew could ever have gained more than a temporary success. The real leaders of the democracy, Cæsar and Crassus, stood aloof, though they would perhaps have seized any opportunity that a momentary disaster to the Senate might have afforded them.

Catiline had hoped to gain the consulship and accomplish his designs while he was in office. He was bitterly disappointed at his defeat, and saw with dismay that the Conservative forces of the commonwealth were being drawn together by the energy and tact of Cicero. The consul had renounced what sympathy he had ever had with the democrats. His policy was to unite the Knights and the Senate for the defence of the constitution, and to attract Pompey with his power into the alliance. Catiline sued for the consulship again, and was again rejected. He had intended to overawe the Assembly by a display of violence, but Cicero guarded the meeting-place for the elections with a body of Knights, and Catiline’s attempt to murder the consul and force himself upon the voters was a failure. Meanwhile, Manlius had raised a rebellion in Etruria, and the disaffected flocked to his standard. Catiline, with other leaders of the conspiracy, remained in the city, maturing his desperate plans. Everything was betrayed to Cicero by Fulvia, the mistress of one of the plotters. He convened the Senate in the temple of Jupiter Stator, that he might

lay the information before them, and Catiline had the audacity to appear and take his seat among the Senators. Every one shrank from him with horror. Cicero, rising in his place, denounced the traitor and revealed his full knowledge of the conspiracy. Catiline endeavoured to reply, but his voice was drowned by the indignant cries of the Senators, and he fled from the temple with threats and curses on his lips. He at once left Rome and proceeded to the camp of Manlius. The speech of the consul on the above occasion is the oration known as the first against Catiline. The second was delivered next day before the assembly of the people. After congratulating the citizens on their escape, Cicero warned the accomplices of Catiline either to quit their traitorous designs or leave Rome and join their leader. They, however, remained, and it was not until three weeks later that Cicero obtained evidence against them to warrant their arrest.

The Allobroges had sent envoys to Rome to complain of the conduct of the financial officers in their province. The conspirators tampered with these ambassadors, in the hope of attaching them to the rebellion. But the Allobroges disclosed everything to Cicero, who at once informed the Senate. The traitors could not deny their guilt, and were at once arrested. After the long debate in the Senate was over, Cicero found the Forum crowded with people eager to know what had happened. He calmed their anxiety, and having announced the collapse of the plot, called upon the people never to forget who had saved them, and exhorted them to stand by him if he should ever be in danger.

At the next meeting of the Senate, the punishment of the conspirators was discussed. Some advised the penalty of death; others, in particular Julius Cæsar, thought that

the traitors should be condemned to perpetual imprisonment in exile, and their property confiscated. Cicero did not state his opinion directly, but he urged the Senate to punish the offenders without fear of the consequences, and promised to take full responsibility for whatever was done. The intention of this speech—the fourth against Catiline—is sufficiently plain. The wavering Senate was decided by the stern eloquence of Cato, and orders were given for the execution of the captives in their prison. Catiline and the rebels with him fell in battle against the other consul, Antonius Hybrida.

The last important act of Cicero's consulship was his defence of the consul-elect, Muræna, Catiline's successful rival at the recent election. He was accused of bribery and corruption, and had he been convicted he would have been superseded by the famous jurist, Sulpicius. The prosecutors were Sulpicius and Cato, the latter being impelled by his hatred of corruption and loose morals to act the part of accuser. Cicero supported Muræna because he thought that a man of action would, in spite of moral defects, be better able to guard the Republic against further treason than a mere lawyer. The speech for Muræna is in Cicero's brightest manner. Passing lightly over Muræna's character, which indeed required tender handling, he gave most prominence to considerations of expedience, and to good-humoured ridicule of Sulpicius' legal quibbles and Cato's unpractical Stoic dogmas. He gained his point and the charge was dismissed.

At the end of his term of office, Cicero prepared to address to the people the customary review of the year's events. As he rose to begin, one of the Tribunes of the Plebs forbade him to speak, saying that he who had put citizens to death without a hearing did not deserve to be

heard himself. The consul had to submit to the tribune's veto and contented himself with a declaration that he had saved the Republic. His popularity was at its height; he was hailed "Father of the fatherland," and his enemies could not yet harm him. But in preserving the constitution he had violated one of its laws, for sentence of death could only be pronounced by decree of the whole body of citizens.

The conspiracy he had crushed was only a symptom of the foulness that infected Roman society. The causes of turmoil and sedition remained, though this outbreak had been quelled. The aristocracy in their triumph were less inclined than ever to admit any reform of the disjointed commonwealth. Cicero had committed himself to their policy; he soon found how much gratitude the selfish oligarchs felt. Many of the Nobles were ready to remind him that he was an upstart; his own bearing alienated others who might have been his friends. The magniloquent poems and histories wherein he celebrated his consulship were as lacking in modesty as in the sense of the ridiculous. In his public speeches he never wearied of recounting his services to the state, and enlarging on the glory of his deeds. By the unbridled licence of his tongue, he irritated opponents whom tact and gentleness might have conciliated. He never let slip an opportunity for smartness at any one's expense, and made the most of his skill in giving offence. He afterwards sought to disavow some of the words that had roused so much bitterness against him. "Because I sometimes, not of set purpose, but in the heat of debate or in reply to a challenge, say this or that, and because, as happens in the course of much talk, there comes out now and then something which, if not very witty, is yet not without

keenness, folks attribute every one's sayings to me. I do not disdain aught that seems shrewd and worthy of a liberal and cultivated man, but my wrath rises when the words of others, unworthy of me, are laid to my account." (*Pro Plancio*, ch. xiv.)

How naïvely he shows his complacent pride in a reputation for epigram!

While he was thus weakening the allegiance of his own party, he made no efforts to attach himself to the prominent men outside it. He was too upright and patriotic to join Cæsar's designs for overturning the Republic and getting all into his own hands. The new vigour that Cicero had aroused in the Senatorial party was not at all pleasing to Pompey, whose ambition was now taking definite shape. Cicero had sent him a glowing account of his consulship, but received no reply. He again wrote to the great general, renewing his protestations of respect and friendship, and enlarging on his own merits. "I have done deeds on which I anticipated from you some congratulation, for the sake of our friendship and on behalf of the commonwealth. . . . You might readily suffer me, who am not much below Lælius, to be united in common policy and in friendship to you who are so much greater than was Africanus." The greeting which Pompey, on his return from the East, gave to the saviour of the Republic was unmistakably cold. The old friendship died out as Cæsar gained over Pompey to his plans.

The alliance of Cæsar, Pompey, and Crassus, known as the First Triumvirate, was soon after concluded. The united power of the Triumvirs completely dominated Roman politics. Cæsar became consul in the next year (B.C. 59). He carried several revolutionary measures which undermined the power of the Nobles and won for

him the favour of the populace. At the end of his year, he departed with an extraordinary commission as proconsul in Gaul, and left in office behind him three of his partisans to confirm and continue his acts—the consuls Piso and Gabinius, and Clodius, tribune of the Plebs. Between this Clodius and Cicero the bitterest hatred existed. Clodius was a dissolute and vicious young nobleman, who in his character and early career much resembled Catiline. He had brilliant abilities and great energy; his manners were winning, and he could wield great personal influence over those upon whom he chose to practise his allurements. In pursuit of an intrigue with Pompeia, the wife of Julius Cæsar, he entered her house, disguised as a woman, during the mysteries of the Bona Dea. As these rites were strictly confined to women, this was an act of sacrilege. The scandal that followed ended in the trial of Clodius. He escaped condemnation by means of bribery and influence. The defence he put forward was an *alibi*; he declared that at the time of the outrage he was at Interamna, ninety miles from Rome. But Cicero swore that he had seen him in the city three hours before the event, and thus made an implacable foe of Clodius, who, after nursing his hatred for three years, now began to seek revenge.

The Tribuneship of the Plebs—a powerful magistracy, through which a demagogue could most readily influence the people and fulfil his designs in their name—might only be held by one who belonged to a plebeian family. Clodius, in whose veins ran the bluest blood of Rome, sought adoption into a plebeian house. It was not unusual for a plebeian thus to enter a patrician family; the unprecedented nature of Clodius's request made it difficult for him to obtain it. Moreover, he was of age, and therefore could only be transferred to another house by licence of the College of

Pontiffs. It was not until Cicero, by his language in the Senate, deeply offended Julius Cæsar, who was Chief Pontiff, that permission was granted. Three hours after Cicero's speech Clodius became a plebeian, and a few months later, Tribune of the Plebs. After employing the first weeks of his office in gaining by specious legislation the goodwill of all parties, he brought forward a motion that any man who had caused a Roman citizen to be put to death without a formal trial should be banished. Though Cicero was not named, everybody knew at whom Clodius was aiming. The tribune was ready to use any means for carrying his proposal. Armed bands of gladiators and other hired ruffians followed him at all public meetings, and in their presence no speaker dared oppose him. The co-operation of Clodius was necessary for the stability of Cæsar's consular acts, and Cæsar was then outside the walls of Rome with a great army. The consuls of the year were unscrupulous partisans of the Triumvirate; moreover, Clodius had made a compact with them, whereby he was to have free scope for his revenge, providing that he helped them to gain the lucrative provincial governments they desired to hold after their term of office. Pompeius, on whom Cicero most relied, abandoned him; the Senate was lukewarm in its loyalty; the public demonstrations which the Knights attempted were violently suppressed by Clodius and the consuls. Cicero yielded to the advice of Cato and his own fears, and left the city. The popular assembly passed a resolution forbidding him the use of fire and water; his property was confiscated, his Tusculan villa plundered, and his house on the Palatine burned to the ground. He fled to Brundisium and thence to Macedonia, where he lived during the greater part of his banishment.

Many of the letters he wrote to his friends during the

eighteen months of his exile are preserved. They are painful reading. He regretted that he had ever left the city, and reproached himself bitterly that he had not opposed force to force. "Unhappy that I am!" he wrote to his friend Atticus, "how well all would now be had not my courage, my judgment, and the loyalty of those in whom I trusted, failed me!" He told his brother that he was in despair. "Several write to me and affirm their own hopes. But for my part, I cannot discern what I may hope, since my enemies are at the height of power, and of my friends some have abandoned me, others even betrayed me, who in the event of my return perhaps fear rebuke for their misdeeds." In a letter to his wife he says, "We have lived and had our day; our virtues, not our faults, have brought us low. . . . Yet I who strive to comfort you cannot comfort myself. Take all the care you can for your welfare, and believe that I am more deeply troubled by your unhappiness than my own." He made submissive and unmanly appeals for aid to enemies whom he believed he could mollify. He tried to fortify his spirit with philosophy; his stoicism alternated with the utmost dejection and despair. He even contemplated suicide.

Meanwhile his countrymen were abating their hostility towards him. The enemies that had leagued themselves against him had quarrelled with one another. Clodius had overrated his own power, and the Triumvirate rid themselves of an unmanageable servant. Pompey publicly showed his sympathy with the exile, and the Senate bestirred itself in good earnest on his behalf. Clodius delayed the recall as he had obtained the decree of banishment, by riot and violence. It was not until Sestius and Milo, partisans of Cicero and declared enemies of Clodius, overcame his bands by gathering a yet stronger following

for themselves, that the decree for Cicero's recall was pronounced. The inhabitants of the towns vied in doing him honour as he passed through; his road from Brundisium to the city was a triumphal progress. He at once proceeded to give thanks to the Senate and the people; he succeeded in recovering his property, and the nation granted him two million sesterces to rebuild his house.

Before his downfall, he had firmly believed in the power of the constitution to expel its disorders. On his return he found the Republic fast in the grip of the Triumvirs. Perhaps he understood how effete was the order he had striven to maintain. His former liberty of speech and action was no longer possible. A cautious and apologetic tone is noticed in his speeches; at the bidding of Cæsar and Pompey he spoke for dependants of theirs, and advocated the prolongation of Cæsar's command in Gaul, and the grant of extraordinary proconsular missions to Pompey and Crassus. His own influence diminished as he acquiesced in the Triumvirate, and for a time he retired from public life to devote himself to letters.

His three most important speeches of this period are defences of Sestius, Plancius, and Milo, to all of whom he owed gratitude for the support they had given him when in trouble. The riotous followers of Clodius and Milo had often met, with varying success; except that he fought for a better cause, Milo appears to have been as bad a man as his foe. Both were candidates for office in B.C. 52, Clodius for the prætorship, Milo for the consulship. Their hatred was the more embittered; everybody except the turbulent populace grew weary of their disgraceful broils. They met, probably by accident, at Bovillæ, each with a train of armed retainers. A quarrel between some of the servants grew to a regular fight, in which Clodius was wounded.

He was afterwards despatched in cold blood by Milo's men. The news of the murder caused the wildest disorder in Rome. The friends and family of Clodius asserted that he had been waylaid by his enemy, and brought Milo to trial for riot and murder. The court was surrounded by the soldiers of Pompey, who was no friend of Milo. When Cicero rose to defend his ally, he was interrupted by the shouts of the mob. He lost courage and spoke but poorly, and Milo was condemned. After the trial, Cicero recast the speech and sent a copy of the revised oration to Milo, who had fled to Marseilles. Milo replied that he rejoiced the speech had not been so delivered, for he would not then be enjoying the delicious mullets of Marseilles. The second edition is the one that we possess; it is the most finished of all Cicero's works.

The defeat and death of Crassus at Carrhæ left the other two members of the Triumvirate face to face. They feared and distrusted each other. In the struggle which followed, Pompey assumed the championship of the Senatorial party. Cicero had lost his illusion as to Pompey's character and aims; he gave no very hearty support to the cause, and was easily reconciled to Cæsar when the civil war was over. The victor was in all but name monarch of the world. He respected and admired Cicero, who submitted with the best grace he could, but was unwilling to take an active part in public affairs.

He became estranged from his wife Terentia. She had been loyal to him in his misfortunes, but he complained of her want of sympathy with his ideals. That she could not comprehend or share his philosophy and Hellenic studies was another grievance he put forward against her. He obtained a divorce, and at the age of sixty-three married the youthful and wealthy Publilia. Soon after the marriage, his

beloved daughter Tullia—"the very likeness of me in face and speech and soul"—died, at the early age of thirty. Her loss added a crowning sorrow to his many afflictions. So utterly did Cicero give way, that his friends grew uneasy. The noble Sulpicius exhorted him to courage. "Consider how Fortune has dealt with us ere this; we have been bereft of what should be no less dear to a man than his children—of fatherland, honour, repute." Cicero took refuge in the Stoicism his friend commended to him. About this time he wrote an essay on the *Consolations of Philosophy*.

His young wife, who had envied Tullia's influence, did not grieve at her death, and was heedless enough to show this indifference to Cicero. He drove her from him, and till his death remained unmoved by her remorse and entreaties for forgiveness.

During Cæsar's domination, Cicero seldom emerged from his retirement, and when he did appear in the Senate, kept silence. He undoubtedly had great influence with Cæsar, and used it to protect his friends of the fallen party. His first speech after the defence of Milo was addressed to Cæsar on the occasion of the pardon of Marcellus. The brother of that obstinate Pompeian had interceded for him and gained permission for his return to Rome. The speech is for the most part taken up with a fulsome panegyric of Cæsar, and an apology for the orator's own actions in the civil war. The Dictator, in pardoning the exile, had referred to the unbending hostility of Marcellus, and declared that at that very time there were plots for his assassination.

"I now come to that most grave complaint, that terrible suspicion against which every citizen no less than yourself must be on the watch; we above all whom you have

preserved. Though I hope that suspicion is groundless, I will never make light of it. To guard you is to guard ourselves, so, if err we must in one way or another, I would rather seem too fearful than too incautious. But who is so mad? One of your adherents? And yet who are more yours than they to whom you gave an amnesty they did not look for? Or is he one of those who acted with you? One cannot believe that anybody is so mad as not to value before his own life the leader under whom he attained all his heart desired. Then, if your own party meditate no crime, must we watch lest your enemies do? Your enemies—who are they? For all who were your enemies have either lost their lives through their own contumacy or preserved them by your mercy. So of your enemies none remain; those who were enemies are now your staunchest friends.” (*Pro Marcello*, ch. vii.)

Yet in his letters Cicero bewails the subjection of the state to Cæsar, and blames himself for weakly acquiescing in the tyranny. It is unlikely that he was an accomplice in the murder of Cæsar, but he hailed the death of the Dictator as the dawn of a new life for the Republic. He at once proceeded to Rome, and did his utmost to restore order and set up the old constitution. But the Nobles were as feeble as ever; the people, who had been calmed by Brutus and Cicero, were inflamed by the funeral oration that Mark Antony was imprudently allowed to speak over Cæsar’s body. The wiser men of the Senatorial party had foreseen this. Cicero writes to Atticus: “Do you remember declaring that our cause was lost if he were buried publicly? But his body was burnt even in the Forum, and a moving eulogy spoken over him. Slaves and needy vagabonds were despatched with torches against our houses.”

How the arts of Antony prevailed with the citizens and a

second tyranny was set up, is portrayed in Shakespeare's *Julius Cæsar*. A second Triumvirate was formed by the coalition of Antony, Lepidus, and Octavianus, the adopted heir of Cæsar. The Republicans fled to Greece, and there concentrated their forces. For some time Cicero remained in Rome, still indulging his dream of restoring the Senate to its old position. But his hopes melted away as Antonius acquired more and more power. After spending some months at his country houses, Cicero determined to leave Italy. At Rhegium he was detained by contrary winds, and during the delay heard reassuring news from Rome. He at once hastened back, to find his hopes fruitless. Antonius, supported by bands of veteran soldiers, backed up by the mob which he spared no pains to bind to himself, ruled more absolutely than ever. Cicero shrank from declaring himself, and kept away from public meetings. But Antonius would allow no temporising, and threatened, if Cicero did not appear in the Senate and proclaim himself friend or foe, to come and pull down his house about his ears. At the next session, Cicero attended, but Antonius was absent. The great orator arose, and addressed to his hearers the first of the Philippic orations. The speech, although it sharply criticised some of the Triumvir's acts, was not uncompromisingly hostile. But when Antony was informed of it, his rage was such that Cicero did not venture out of his house while his enemy remained in Rome. Antony at the next meeting reviewed the conduct and policy of Cicero with contempt and bitterness. Cicero composed a crushing reply—the famous second Philippic. It was not published until Antonius left the city on a military expedition. The speech was followed by twelve others. A year later the Triumvirs met in Rome. A proscription was resolved upon; Octavian would have shielded

Cicero, but Antony would not be baulked. His retort to the Philippic orations was the death-warrant of Cicero. The executioners found their victim in the grounds of his Formian villa, ready for flight. The end is described in the following fragment of Livy:—"It is generally allowed that his slaves were ready to fight bravely and loyally, but that he bid them set down the litter, and calmly suffer the compulsion of adverse fate. He leant forward out of the litter and offered his throat without flinching, and his head was cut off. This did not satisfy the barbarity of the soldiers; they cut off his hands also, with the reproach that they had written against Antony. So the head was borne back to Antony, and by his orders placed between the two hands on the very Rostra where the dead consul had oft been listened to with such marvel at his eloquence as no human voice had ever received."

We can forget some of the timorous acts of Cicero's life in the fortitude of his death. The verdict of posterity on his worth as a man has not been unanimous. No vice stained the purity of his morals; no baseness dwarfed his lofty character. Yet he had distressing foibles. He was extremely vain; unduly exalted in the day of success, he grew faint-hearted in the face of great trouble or danger. But he never abused his power, and did not desert the principles that imperilled his safety. As a man of action he was a failure; still, his fidelity to a lost cause demands our sympathy and respect.

Cicero's literary labours extended over a wide field. His poetry, correct but artificial and uninspired, is dead and forgotten. Only two unfortunate jingling verses are commonly known. The rhetorical works have more value—one of them, the *De Oratore*, ranks with his most splendid compositions. It has been well said that, as the speeches

challenge comparison with those of the Attic orators, we are led to judge the philosophical writings by those of Greece. The result is disastrous. To form new theories or construct a philosophical system was beyond the powers of Cicero. The speculative works are little more than handbooks of Greek metaphysics for popular use among the Romans. On a different plane are the noble dialogues on "Friendship" and "Old Age"; the conduct of life was a subject on which Cicero could write with power and independence, and his essay *De Officiis* holds a high place among the ethical works of the ancient world.

None of Cicero's writings are more worthy of study than his Letters. He was as perfect a master of the free and colloquial style as of the elaborate literary manner. The bright and witty correspondence gives us a knowledge of the times we could have obtained from no other source. The writer's own character is fully displayed; every weakness is laid bare for our inspection.

It would be out of place here to say much of Cicero's style. It has always been held up as a model of Latinity in its greatest purity and at the acme of its development. The florid manner of the early speeches was modified in later life by greater directness and fervour, but Cicero never rose to the simplicity and the holy enthusiasm of Demosthenes. Tacitus expressed the general preference when he said:

"It is not the defence of Quinctius or Archias that makes Cicero a great orator; the 'Catiline,' the 'Milo,' the 'Verres,' and the 'Antonius' [*i.e.* the Second Philippic] have endued him with that honour."

ORATIONS OF CICERO.

CICERO'S ORATIONS.



ORATION FOR ROSCIUS OF AMERIA.

I AM sensible, my lords, you are surprised that, in a cause countenanced by the presence of so many advocates, distinguished by their eloquence and quality, so vastly my superiors in experience, capacity, and rank, I should appear as counsel for the accused. For though every man whom you see here on this occasion is sensible that a charge, complicated by unprecedented guilt, ought to be repelled; yet they are all deterred, by the danger of the times, from undertaking that office. Thus their presence here is owing to the duties of their profession; but their silence, to their fear of danger.

How then! am I the boldest of the profession? By no means. Am I more officious than others? No; I hope I shall never be so greedy even of that praise, as to wish to pilfer it from another. Why then do I signalise myself by undertaking the cause of Sextus Roscius? Because, had any one of those great and eminent persons who are now present, touched, as they must have done, upon the situation of public affairs, the most innocent expressions would have been aggravated, as of a dangerous tendency. But whatever I can say, be it ever so full or free, can never have the like consequences, or the like effects upon the public. The quality and fortunes of these noblemen will suffer no word of theirs to rest in obscurity, no more than their reputation for experience and wisdom will admit that any unguarded expression should pass as the effect of inconsiderate heat. But should anything I throw out be too unguarded, it

will rest in silence through my obscurity in the state, & be pardoned in regard to the inexperience of my years; though, at the same time, I must take notice that this government has, of late lost not only the quality of pardoning, but the habits of justice.

There is another reason, which is, that perhaps the applications which have been made to others to speak upon this occasion, have been urged in such a manner as to leave it in their option to comply or to decline, without their violating any engagement; whereas, I was forced into this character by men whose friendship had a right to command me; men, for whom a principle of gratitude will never suffer me either to forget their favour, to undervalue their authority, or to disobey their orders.

Such are the reasons why I appear as counsel in this cause. I appear, my lords, here, not because my talents give me a title to the greatest pre-eminence, but because my obscurity renders me least obnoxious to danger. I appear, not as sufficient of myself to defend the cause of Roscius, but that Roscius may not be absolutely destitute of assistance. It may be asked from whence proceeds this terror, this mighty dread, which prevents such numbers of our greatest men from undertaking, as usual, the defence of the life and the fortunes of a fellow-subject? No wonder that you are ignorant of this, since the real motive for bringing the affair to a trial has been hitherto industriously concealed by the prosecutors.

What then, it may be asked, are those motives? The young Lucius Cœnilius Chrysogonus, the high and mighty director of Rome in our time, has bought, as he says, the personal estate of my client's father, which was worth £50,000, of the brave and eminent Lucius Sulla, whom I name with the greatest respect upon this occasion, for £16. And now, my lords, this gentleman demands of this court, that as he has, against all law and equity, seized upon this large, noble estate, and as the life of my client may give him some small trouble and hindrance in the possession of it, you would rid his mind of all uneasiness and apprehension upon that account. He despairs of being

able to keep the possession of so fair, so large an estate, while my innocent client is alive, and uncondemned; but were he once condemned, he is in hopes of dissipating in luxury what he has acquired by guilt.

The prayer, therefore, of his modest petition is, that you would pluck out this thorn, which is incessantly pricking and goading his bosom, and so become accessories in his detestable rapine. Should this, my lords, appear to this court a just and modest petition, give me leave, on the other hand, to prefer a short, and, as I hope, a far more equitable request.

In the first place, I will make my suit to Chrysogonus, that he will be satisfied with the money and effects of my client, and spare his life. In the next place, my lords, I humbly move this court, that you will be pleased to check the insolence of guilt, to alleviate the miseries of innocence, and, in the cause of my client, to repel that danger which is aimed at the liberties of our country.

But if either a foundation for the charge, a presumption of the fact, or even the smallest circumstance shall be found out, which can serve as the least colour for his indictment—in short, if you shall find the least motive for this prosecution besides this estate, I agree that Sextus Roscius should fall a sacrifice to the rage of his enemies. But if, to supply the avarice of his insatiable prosecutor; if, that the blood of Roscius should flow, as an over-measure to the guilty possession of this fair and opulent fortune; if these are the sole foundations of this prosecution, is it not an aggravation of the many indignities you have suffered, that you should be the most proper tools for giving a sanction, by your oaths and decisions, to those acquisitions which they have been accustomed to seize by guilt and violence? You, whom, after your merits had raised you from the rank of citizens to that of senators, the purity of your manners has rendered worthy to be delegated by that illustrious body on this bench! for murderers and gladiators to apply to you, not only that they may be screened from that punishment which they ought to dread for their crimes, but that they may depart from this court gay and exulting in the plunder of the innocent

Roscius ! These are matters of so important, so dark a nature, that I find I can neither describe them with that propriety, complain of them with that weight, nor exclaim against them with that freedom which they require. For my capacity cannot attain to propriety; my years will not admit of weight; nor the times of freedom.

I am under a further disadvantage, which is the deep consternation I now feel, arising from my own natural timidity, the awful appearance of this court, the power of the prosecutors, and the dangers of my client. Therefore, my lords, I make it my most humble and earnest request, that you will receive what I have to offer with attention and indulgence.

It was the high opinion I have of your integrity and wisdom, that induced me to undertake a burden for which I now feel myself unequal; a burden, my lords, which, if you will lighten in the smallest degree, I will do my best to bear with pleasure and alacrity. But if, contrary to my hopes, I am abandoned by you, yet still I shall act with spirit, and, to the best of my abilities, go through with what I have undertaken. For I would choose to be crushed under the weight of my charge, rather than, after it was entrusted with me, throw it from me like a traitor, or drop it like a coward. I likewise, Marcus Fannius, earnestly conjure you, that you would extend those virtues which formerly rendered you dear to the people of Rome, when you presided on this very question, to us and the people of Rome on this occasion.

You see by the multitudes assembled, with what anxious expectation this cause has alarmed the people; and how keen, how desirous the public is, that impartiality and equity should be restored to our courts of justice. This is the first cause of bloodshed that has for a long time been tried in this court, though many woful, terrible massacres have happened in the intermediate time. Your country expects of you, as praetor, that as every day crimes and murders are avowedly committed, you will proceed against them with the same impartial severity.

Give me leave, upon this occasion, to adopt those exclamations which are common in the mouths of accusers during other

trials. We entreat you, Marcus Fannius, and you, my lords, to punish guilt with the keenest severity; to oppose the greatest courage to the most consummate audacity; and to remember, unless you discover your real sentiments by your decision in this cause, that the avarice, the guilt, the insolence of mankind will break out into such extravagance, that men will be butchered, not by stealth, and in the dark, but in this very forum; before your tribunal, Fannius; at your feet, my lords; and upon the very benches of this court. For what is there contended for in this trial, but an impunity of such practices? They are the accusers, who have seized the estate. He is accused, who has nothing left him but the utmost distress. They are the accusers, who have gained most by the murder of Sextus Roscius. He is accused on whom his death has brought not only grief, but also poverty and want. They are the accusers, who would fain have murdered my client. He is the accused, who, even while he appears at your bar, is obliged to have a guard to prevent his being butchered before your eyes. In short, the voice of the public calls aloud for justice upon the accusers, while the accused is the only surviving instance of their bloody practices. And, my lords, that ye may be sensible my language is so far from aggravating, that it falls short of their crimes, give me leave to lay the matter before you as it happened; by this you will the more easily be able to judge of the innocence of my client, the audacity of his prosecutors, and the misery of your country.

Sextus Roscius, the father of my client, a denizen of Ameria, in blood, rank, and estate, was, by far, the first man, not only in his own corporation, but in all the neighbourhood; at the same time, he lived in the greatest esteem, and the most amicable intercourse, with men of the greatest quality; for there subsisted not only an intercourse of visits, but the strictest and most intimate familiarity betwixt him and the Metelli, Servilii, and the Scipiones; families whom I name, upon this occasion, with all the respect that is due to their great quality and distinction; and this was the only legacy he has left to his son out of all his estate: for those domestic robbers having violently

taken possession of his paternal inheritance, left him only his reputation and life, to be defended by the acquaintance and friends of his father; who, as he all his life-time distinguished himself on the side of the nobility, in these latter times of trouble, when the honour and existence of nobility itself were at stake, signalised himself in his neighbourhood in supporting that party with all his interest, zeal, and influence. For he judged it was but reasonable that he should fight to support the honour of those from whom he derived those honours which distinguished him among his own neighbours.

When victory had declared herself, and we were reposing from the toils of war, while proscriptions were going on, and those obnoxious to suspicion were singled out from every quarter, he was at Rome, and appeared in all public companies and conversation; as rather rejoicing in the victory of the nobility than dreading that it would be in the least fatal to himself.

Some old differences subsisted betwixt him and the two Roscii of Ameria, one of whom I now see sitting upon the bench of the impeachers, while the other, I hear, possesses three estates of my client. Happy had it been for his father, had he been able to guard against their malice as effectually as he really feared it! My lords, his fears were but too well founded; for Capito and Magnus, the names of the two Roscii (the latter of whom only is here), are such men, that the one is thought to be an old first-rate gladiator, and to have won a great many prizes; and though the other had but just entered himself as apprentice under Capito, when this fray happened, he became so great a proficient, that in wickedness and audacity he outdid even his master.

For while my client was at Ameria, and that same Titus Roscius at Rome; while the former was minding nothing but his country affairs, and, by his father's orders, applying himself only to the improvement of his private estate in the country, and the father all the time at Rome, the old man was killed near the baths of the Palatium, as he returned from supper.

I hope that this circumstance will give the court a pretty

broad intimation of the persons against whom the presumption of this guilt lies the strongest. But if the nature of the case itself should not swell what is now suspicion into plain conviction, I leave the court to pronounce my client guilty of the charge.

Upon the murder of the deceased, one Mallius Glaucia, a man of little consideration, the freedman, the creature, and the dependant of that same Titus Roscius, was the first who brought the news to Ameria, and told it at the house, not of the son of the deceased, but of his enemy, Titus Capito; and though the murder was committed an hour after sunset, yet he told it at Ameria next morning by break of day. By this means, he must have driven in his chaise fifty-six miles in ten hours, in the dark; that he might not only be the first to tell the welcome news to the enemy of the deceased, but that he might show him his blood fresh and reeking upon the weapon he had just drawn out of his body.

Four days after, this news reached Chrysogonus, who was then encamped under Lucius Sulla at Volaterræ: they represent to him the largeness of the succession, and the fineness of the estate; for he had thirteen farms, almost all of them contiguous to the Tiber, without forgetting the needy, destitute condition of my client. They tell him, that if it was so easy to despatch a man of such eminence and popularity as Sextus Roscius, it would be much easier to remove his plain unsuspecting son, who was not so much as known at Rome, and they proffered to lend him their assistance for this purpose. Not to take up your time, my lords, they entered into a confederacy.

At this juncture, the notion of a proscription obtained so little, that even they who were under some dread of it before, were now returning, as imagining themselves out of all manner of danger: it was then that Chrysogonus bought by auction the estate of this man, who was so entirely devoted to the interest of the nobility.

Three of his best estates were made over to Capito as his property, and he enjoys them to this day; while that same Titus

Roscius, in the name of Chrysogonus (as he says), seized the rest. Thus a fortune which was reckoned worth near £50,000 was bought for about £16. But all these transactions, my lords, I am convinced, were done without the knowledge of Lucius Sulla.

Nor is it, indeed, any wonder that he should overlook some things; since, at one and the same time, he is obliged to have in his eye both what is past, and what is upon the point of execution; and since in him is vested the sole authority and power of making peace or war; as he is the point to which the eyes of all mankind are directed, and the person by whom they are governed; as he is encumbered with affairs so important and various in their nature, that he has scarce time for breathing. This inattention, therefore, was the more excusable in him, as so many are ready to watch and catch at every motion of his; so that no sooner can he direct his eyes to any particular object, than they seize the opportunity of attempting somewhat of this kind. Add to all this, that happy as he is, yet no man like him can attain to that pitch of happiness, as, midst such a train of servants, not to have one, either slave or freedman, who is a villain.

In the meantime, this rare fellow, this Titus Roscius, this agent of Chrysogonus, came to Ameria, seized upon the estate of my client, while he was yet melted with filial tenderness, and while some of the stated funeral duties he owed to the memory of his father were unperformed; he drove him headlong and naked, my lords, from the house of his father, the seat of his ancestors, and the altars of his family. He put himself in possession of a large fortune belonging to another; and, as usually happens in such cases, from the greatest penury, he launched out into the most boundless extravagance. He carried off a great many effects openly to his own house, but secreted many more: he lavished a great deal upon his confederates, and sold the rest at a formal auction.

This was so very shocking to the inhabitants of Ameria, that there was nothing to be seen or heard all over the city but tears and lamentation. For many melancholy ideas presented them-

selves all at once: the cruel death of Sextus Roscius in the height of reputation and credit in the world; the unmerited poverty of his son, who was so effectually stripped of his large estate by that lawless robber, as not to have in reversion even a road to the tomb of his father; the sale of his goods; their villainous possession; their thefts, rapines, and profusion. There was not a man among them who would not have wished to have seen them all in a flame, rather than Titus Roscius swaggering and domineering in the spoils of the excellent and virtuous Sextus.

An act of their assembly, therefore, immediately passed, that a deputation of the ten first members of their state should be despatched to Lucius Sulla, to inform him of the true character of Sextus Roscius; to complain of the wickedness and injustice of these confederates, and to beg his interposition in behalf of the honour of the deceased, and the fortunes of his surviving innocent son.

Give me leave to read the words of the decree, which are well worthy of your attention.

(Here the decree was read.)

The deputies came to the camp; and here, my lords, there was a plain proof of what I have already observed, that all these crimes and villainies were perpetrated without the knowledge of Sulla. For Chrysogonus not only applied to them in person, but privately sent some men of the greatest quality to beg that they would not go near Sulla; and in that case they promised Chrysogonus should do whatever they wished; for he dreaded this so much, that he would have chosen to die, rather than Sulla should have known anything of the matter.

As plain men are apt to judge of others by themselves, they believed his repeated promises, that he would erase the name of Sextus Roscius out of the deeds, and resign the estate to the sole possession of the son; especially when Titus Roscius Capiſo, who was one of the deputation, offered his joint promise for the performance; in short, they returned to Ameria, without

having made any application. Here these fellows began to postpone the affair, and put it off from one day to another. Soon after they would do nothing but trifle with them. At last, as may be easily imagined, they began to think themselves unsafe in the possession of another's property, while he was alive; and therefore entered into this conspiracy against the life of my client.

As soon as he perceived this, by the advice of his friends and relations, he fled to Rome, and put himself under the protection of Cæcilia, the daughter of Nepos, a lady whom I name with the greatest respect; she had been, my lords, his father's patroness, and is now a proof of what is generally allowed, that there were once such things as honour and gratitude in the world. This lady sheltered the destitute Roscius, when he was driven from his home, stripped of his fortune, and forced to conceal himself from the daggers and menaces of ruffians; she succoured her distressed guest, after he had been deserted by all the world; and it is owing to her courage, honour, and application, that he is now alive under an impeachment, and not killed among the proscribed.

For, after those ruffians understood that the life of Sextus Roscius was guarded with the utmost care, and that they could have no opportunity of executing their bloody purposes, they resolved upon a design full of guilt and presumption; which was, to impeach my client of parricide. For this purpose it was necessary to procure some hardened accuser, who could find something to say in a case wherein there was not the smallest probability; and as they could not find him actually guilty, they resolved to make him politically so. Their language was, "As there has been so long an intermission of trials, therefore the first man who is brought to the bar ought to be condemned;" imagining, at the same time, that the interest of Chrysogonus would terrify any person from speaking for Roscius, or mentioning the sale of his estate, or their wicked confederacy; that the very imputation of so black a crime as parricide would be sufficient to despatch him without any trouble, especially as nobody would speak in his defence. This

extravagant, ridiculous notion has prevailed with them to bring him to this bar, that, as he could not be assassinated by them, he might be murdered by you.

Where, my lords, shall I begin to complain? Upon what topic shall I begin to reason? What assistance shall I crave? Or what power shall I apply to for it? Shall I, on this occasion, throw myself upon the justice of the immortal gods, of my country, or of this court, to whom she has now delegated the supreme authority? Behold a father inhumanly murdered; his house invaded, his goods seized, possessed, and plundered by his foes; the life of his son attacked, by repeated assaults both from treachery and violence! What is there wanting to fill up the measure of this iniquity? Yet have they been ingenious enough to aggravate and improve even that, by forging a most improbable falsehood, and bribing witnesses and accusers against my client with his own money. Thus they leave him the wretched alternative, whether he will choose to be assassinated by Roscius, or lose his life in the most infamous manner, by being sewed up in a sack (the punishment of parricides). They imagined that the accused would be at a loss for counsel. He is; but, my lords, if freedom of speech, and zeal for my client, can make amends for that loss, as I hope they will in this cause, he is at none; for I have undertaken it. Undertaken it, perhaps, from a rashness too incident to youth; but now I have engaged in the cause, by heaven! should I be encompassed with every shape of death and danger, yet will I do my duty in supporting and succouring my client. I am resolved, I am determined, not only to speak whatever I think can serve him, but to speak it with zeal, with boldness, and with freedom; for no motive can be so powerful as to make my fears get the better of my honour.

For is there a coward so infamous as to be silent and unconcerned at seeing these injuries? Ye have murdered my father, though he was not proscribed; after you murdered him, you enrolled him in that unhappy number; by force have driven me from my house, and taken possession of my estate. Can these injuries receive any aggravation? Are you not come

with arms, even into this court, either to murder or to condemn the unfortunate Roscius?

C. Fimbria, who lately lived in Rome, was of all mankind the most audacious and the maddest, in the eyes of every man who was not himself a madman. Scævola, a man of the greatest sanctity and perfection in Rome, and one in whose praise it is not now proper to enlarge, nor, if it were, could I say more of him than now lives upon the grateful memories of the Roman people; he, I say, was wounded at the funeral of Marius, by means of this wretch, who, finding that he was likely to recover, impeached him. When he was asked upon what grounds he could impeach a person so blameless in his life that it was impossible to do justice to the dignity of his character, the wretch is said to have made answer, like a madman as he was, "Because Scævola had not received in his body the full length of the dagger." Never did Rome see anything more afflicting than this, except the death of the same great man, which brought all her sons to ruin and misery; for it was for endeavouring to save them by an accommodation that he was destroyed.

Has not this case somewhat in it exactly parallel to the answer and the guilt of Fimbria? Ye accuse Sextus Roscius! For what? Because he has escaped out of your hands; because he would not suffer himself to be assassinated. Did the one instance, as happening to a Scævola, beget a universal detestation? And shall this instance, because inflicted by a Chrysogonus, pass without censure? Immortal gods! what is there in this cause that requires to be defended? Is there a circumstance in the whole that demands either the art of a lawyer, or the eloquence of an orator? I shall, my lords, lay open the whole matter, and, after laying it open, I shall examine it; and the court will by that means have an easy and clear comprehension of the circumstances upon which the stress of the whole lies; of the points to which I am to speak, and of the manner in which you ought to decide.

So far as I am able to form any judgment, there are three circumstances which, upon this occasion, bear very hard upon

my client : the charge itself, the audacity, and the power of the prosecutors. The first falls to the management of Erutius; the second to the share of the Roscii; and the last, of course, devolves upon Chrysogonus, whose power is very great. I apprehend it is my duty to speak severally to those three points; but not in the same manner to them all: because I am obliged, by my profession, to undertake the first; but your country has left the other two to you. It is my duty to wipe off the aspersion of guilt; but it remains with you to give a timely check to such audacity, to destroy, to confound such destructive, such insupportable insolence of power.

Sextus Roscius is accused of murdering his father; a crime so black and detestable, that, by heavens! it seems to be a complication of all guilt. For if, as the learned have well observed, filial piety may be wounded even by a look, can any punishment be devised severe enough for the crime of one who offered to kill a parent, for whom he is obliged, by all laws divine and human, to sacrifice his own life, if there be occasion? What arguments, Erutius, do you imagine you ought to urge, as you are the accuser, to make out a charge that is so monstrous, so black, and so unparalleled; upon a crime which so seldom happens, that whenever news is brought that it has been committed, it is always reckoned an ominous prodigy? Do you not think yourself, Erutius, obliged to prove the matchless audacity of the accused, the fierceness of his manners, the barbarity of his nature, his life one continued course of wickedness and lewdness, and, in short, a man in every part of his character devoted to murder, and distinguished by the most consummate guilt? Yet not one of these crimes have you even urged against Roscius in all your aggravated charge.

Sextus Roscius has murdered his father! Look at the man; is he a young debauchee, trained up in the arts of lewdness by wicked men? No; he is upwards of forty years of age. Is he a ruffian of experience, hardened in guilt, and inured to murder? No; you have heard no such character given of him, even by the ingenious malice of his prosecutor. Then luxury, perhaps, or debt, or disorderly passions, might prompt the wretch to this

crime? As to luxury, Erutius has sufficiently cleared him of that, when he told you that he was scarcely ever known to be present even at an entertainment. Debts he never had any. And what passions can we suppose to be in a man who, to use the words of his prosecutor's charge, has spent his whole life in the country, and in the improvement of his grounds? A manner of living the most remote of all others from ambition, and the most strictly connected with the practice of every duty.

Then what could be the motive which impelled Sextus Roscius to this frantic action? 'Tis said, that he was under the displeasure of his father! Under the displeasure of his father! for what reason? Sure, if there is a reason, it must needs be a just, a weighty, and an obvious one. For as it is contrary to all the principles of belief, that a son would attempt the life of a father, without repeated and strong provocations; so, on the other hand, it is extremely improbable that a father would hate his son to such a degree, without many weighty and unanswerable reasons.

Let us, therefore, now resume our subject, and inquire what vices an only son could be guilty of to give such cause of displeasure to a father. In this cause it is plain that the son was guilty of no vice. Must we impute it then to frenzy in the father, that he could, without the least cause, hate the son of his own body? But he was a man of the soundest sense of any in his time. We may therefore safely conclude, if neither the father was frantic, nor the son profligate, the father could have no cause of hatred, nor the son any motive for murder.

I do not know, says the gentleman on the other side, what reasons for hatred did subsist; but I am convinced there was hatred; because the old man, while he had two sons alive, kept the one, who is now dead, always about his person, and confined this one to his farms in the country. The inconvenience which Erutius was under, in trumping up this malicious trifling charge, happens to be my own case in the best of causes. He was at a loss for matter on which he might build this fictitious charge; and I am at a loss now to invalidate and confute circumstances which are of themselves so slight, and so improbable.

But how, Erutius! did Sextus Roscius give the improvement and management of so many fair, so many profitable estates to his son, by way of punishment and banishment? Does this look like reasoning? Do not gentlemen, especially of his rank, who have estates in our country corporations, when they have sons, always choose that they should apply themselves to a country life, and employ the greatest part of their pains and time in looking after the improvement of their estates?

Was this son banished to the country, bred up in the life of a clown, and deprived of all the elegancies of living? What! if it should appear that my client, during his father's life, was not only appointed to oversee the improvement of his estates, but was in possession of certain lands appropriated to him; yet must such a life, because it is painstaking and rural, be branded with the appellations of banishment and disgrace? You may now perceive, Erutius, how widely different your reasoning is from the true matter of fact. You find fault with the general practice of parents, as being unusual; that which was the effect of love, you attribute to a motive of displeasure; and the kindness expressed by an indulgent father, you construe into a punishment inflicted upon a hated son. Not that you are insensible of these absurdities; but your reasoning is so destitute of all foundation in justice, that you are forced not only to plead against us, but against the nature of things, against the common practice of the world, and against the general sense of mankind.

But still, say you, as he had two sons why did he keep the one about his own person, and suffer the other to remain in the country? Give me leave, Erutius, to speak to you without offence; for I do not mean what I am about to say as reproach, but as advice. If fortune was so unkind, by never letting you come to the knowledge of your real father, as to deprive you of all experience of paternal affection, surely nature has left you some share of humanity; besides, you have some fondness for books, so that you are not quite illiterate. I will, therefore, give you an instance from the stage. Do you then imagine, in the play of Cæcilius, that the old gentleman has less

affection for Eutychus, the son, whom he keeps in the country, than he has for Chærestratus (I think that is his name), whom he keeps always about his own person? Do you imagine that he kept the one always in town, as a mark of his regard, and the other in the country, as a proof of his displeasure? But why will you run into these trifles? say you.

I am, indeed, under no necessity; since, to go no further, I might easily name many, both of my neighbours and countrymen, who are very fond of having their best beloved sons devoted to a country life; but it is disagreeable to give particular instances of persons whom we all know; for one is not sure whether the persons may not take it amiss, should their names be used upon this occasion; and you are acquainted with no character better than that of Eutychus; and surely it is nothing to the purpose, whether I bring a young man from the stage, or from the fields of Veii. For I am of opinion, these characters are drawn by the poets, that we may see our own manners personated, and the practice of common life represented. But let me recall your thoughts and attention to real life. Reflect upon the way of life which is most recommended by fathers of families, not only in Umbria, and that neighbourhood, but in these old corporations. If you do this, believe me, your being destitute of matter for an indictment has forced you to lay against Roscius, as a strong presumption of his guilt, that which the world will look upon as the clearest proof of his innocence.

But it is not children only who enter into this way of life, by the command of their parents; for I know many (and, if I am not mistaken, every one of you does the same) who are themselves passionately fond of what belongs to the improvement of grounds, and who esteem a country life, which you, Erutius, are pleased to mention as criminal and disgraceful, to be the most engaging and most honourable of all others.

I will instance my client: how much understanding and knowledge has he in country affairs? Insomuch that I am informed by his neighbours, who are all of them men of the best of characters, that you are not a greater proficient in the craft

and quirks of accusation than he is in his own business. But as Chrysogonus has been pleased to strip him of all his farms and grounds, I fancy he will not be blamed if by this time he has both forgot the arts, and laid aside the love, of a country life. Though this, my lords, be cruel and inhuman, yet will he cheerfully bear it, if by your means he can enjoy life upon any terms, and with his life, his reputation. But there is one circumstance he thinks quite insupportable, which is, that as the number and goodness of his estates have led him into all his present misery, and as his having carefully improved them is now the heaviest charge urged against him, it is not enough that his misery receives an addition by his having improved them for others, and not himself, unless it be still aggravated by his being charged with having improved them at all.

What a ridiculous figure, Erutius, must you have made as an accuser, had you lived in those times when men were brought from the plough to be consuls ! Surely, as you imagine it to be criminal to inspect the improvement of grounds, you would have impeached as the most profligate and disgraceful of all mankind the great Atilius, whom our deputies found sowing the seeds with his own hands. But trust me, our ancestors had far different notions of him, and other great men of the same character. For by these arts they were enabled, from the most slender foundation, to transmit to posterity a fair and flourishing empire. They employed their utmost cares in cultivating their own estates, without coveting those of their neighbours; by which means they enlarged the government, the empire, and the glory of Rome, with lands, with cities, and with nations.

In what I have said, I am far from comparing my client with those great men: I mentioned those circumstances only to suggest that, as the greatest and most glorious of our ancestors, who all their lives ought to have been sitting at the helm of government, have employed some part of their cares and time upon agriculture, the person whose profession is that of a farmer ought to meet with some indulgence, for having spent his whole life in the country; especially when it is considered

that to his father nothing could be more agreeable; to himself, more pleasing; or, in its own nature, more commendable.

The strongest proof then you had to produce of the father's hatred against the son, was his suffering him to live in the country. Have you any other proof? Yes, say you, the father intended to have disinherited him. Now as you advance something that is to the purpose, I am all attention; for I think you agree that the other arguments are trifling and childish. He did not go with his father to entertainments: how should he, when he very seldom came to town? Scarcely any ever invited him to their houses. Is that any wonder in a man who never lived in town, and was not in the way of making entertainments in his turn?

But you are sensible that this too is trifling. Let us therefore examine that which I just now mentioned, and which I must own to be one of the strongest and most substantial proofs of hatred. The father intended to disinherit the son. I do not insist upon the reason; but I ask, how came you to the knowledge of his intention? Though, at the same time, I could oblige you to specify, and go through all the several reasons. For a regular prosecution upon so flagrant a fact requires that all the vices and crimes of the son should be laid open, which could provoke the father so much as to extinguish in his breast even nature itself; as to make him pluck up as a weed an affection so deeply rooted in the soul; and, in short, to forget that he was a father; circumstances which, I conceive, never could have happened, but from the greatest demerits on the part of the son.

But I will allow that you shall pass over these facts, which, by your silence, you admit never did exist. Then you surely ought to be very full and explicit in your proof of the father's intentions to disinherit him. Let us see, then, what you offer why we should believe it: nothing that is real. Then forge something that is plausible, that you may save appearances; that you may not seem to do what you really do, grossly insult the misfortunes of Roscius, and affront the dignity of these very worthy judges upon the bench. He intended to disinherit his

son; for what reason? I don't know. Did he carry his intention into execution? No. What prevented him? He intended it. He intended it? To whom did he express his intention? To nobody. Such an accusation, such an objection as this, my lords, which not only is impossible, but not so much as attempted to be proved; what is it else, but prostituting this court, the laws, and your dignity, to the purposes of passion and avarice?

We all of us know, Erutius, that there was no enmity subsisting betwixt you and my client, Sextus Roscius. All mankind is sensible why you appear here as the prosecutor in this cause; they know that money is your bait. But mark the consequence: ought this bait to have been so powerful as to make you disregard the sense of this court, and set at nought the penalties prescribed by the Memmian law?

That a number of prosecutors should live in a state, is necessary for over-awing the attempts of the audacious. But it does not follow from this that we should be played upon by prosecutors. A man may be innocent, and yet liable to suspicion. Though this is a hardship upon such a man, yet still I have some grains of indulgence for the person who shall accuse him; for when there is the least foundation for a charge, even upon presumptive proof, the person who urges it does not appear to be committing a gross insult upon the understandings of mankind, and a deliberate injury to the reputation of his neighbour.

Therefore, we readily admit that there ought to be prosecutors; because an innocent man, if he is accused, may be acquitted; and the guilty, without accusation, cannot be condemned. But it is more proper that innocence should be acquitted upon trial, than that guilt should escape without impeachment. Geese have their food, and dogs are maintained, in the Capitol, at the public charge, that they may give the alarm in case of thieves; yet, though it is impossible for them to know who is a thief, or who is not, they still give the alarm, whoever enters the Capitol by night; because that is a suspicious circumstance, and instinct itself directs them to err upon the side of caution. But if these dogs should bark in the day-time at people who come to the

worship of the gods, I think they ought to have their bones broken, because they then snarl without any grounds.

This case holds exactly with regard to impeachments. Some of you gentlemen accusers are of the nature of the goose; you make a noise, but you are otherwise very inoffensive animals; others of you are curs, that can both bark and bite. There you live; there are your cribs; but you ought to direct all your force chiefly against those who deserve it. This is the readiest way to make you extremely popular. Nay, if you should at any time bark upon a strong presumption, I can forgive you. But if you should over-act your parts, so as to impeach a man of murdering his father, and yet not be able to tell for what, or in what manner—in short, if you should bark without any suspicion, 'tis true nobody will break your bones; but, if I am not mistaken, this bench will print upon your foreheads that letter for whose sake you hate all letters; and that too, so legibly, as to put it for ever out of your power to accuse anything but your own bad fortunes.

My good impeaching friend, what subject have you given me to plead upon? Nay, let me ask you, what grounds have you given the court for supposing that there is in this case even the slightest presumption of guilt? The accused was afraid that he should be disinherited. I understand you; but not a word of the reason why he should be thus afraid. But his father intended it. Then prove that intention. Proof there is none; neither of his consulting with, nor of his acquainting anybody that he had such an intention, nor of any one circumstance that could beget the least grounds of suspicion in you. When you manage your accusation, Erutius, in this manner, do not you plainly tell the world, "I know what I have got, but I don't know what to say. I kept my eye upon that single principle which I had from Chrysogonus, that nobody would appear for the accused, and that nobody at this time would be so hardy as to touch upon the sale of the estate, and their confederacy." This was the mistake that brought you into this inconveniency; for, by heavens! you would not have opened your mouth, had you imagined that any one was to answer you.

It may be worth while, my lords, if you have observed it, to reflect a little upon his negligence in managing this charge. I cannot but think that, when he had surveyed the persons who sit upon these forms, he inquired whether such or such a one was to appear for the accused; but that he never once thought of me, because I had never before appeared in a public trial. After he learned that none of those were to be concerned who were both accustomed and able to appear upon such occasions, he grew so very thoughtless in the matter that he sat down, and then walked about, and sometimes called for his servant to order supper, I suppose, as the fancy struck him; and behaved in such a manner, as if, instead of being in this court, and at your bar, he had really been in a desert.

At length he finished his pleading; he sat down, and I rose. He then seemed quite easy, because nobody else got up: I then began to speak. I observed, my lords, that he diverted himself with joking, and upon indifferent matters, till I mentioned Chrysogonus; but no sooner had I touched upon him, than the gentleman started up as if he had been in amaze. I perceived where he was galled: I named him again, and a third time; I could then perceive his creatures buzzing about here and there, up and down, I suppose, to inform Chrysogonus that there was a man in Rome who durst presume to oppose his sovereign will and pleasure; that the prosecution was likely to take another turn than what he expected; that the sale of the estate was laid open; that he was most villainously pinched upon his confederacy; that no regard was paid to his power and interest; that the judges seemed to discover deep attention, and the people strong resentment.

Since, therefore, Erutius, you are mistaken, and since the case is altered; since you are sensible that the cause of Sextus Roscius is pleaded, if not with eloquence, yet with freedom; since he whom you thought would be given up, you perceive is defended; since, instead of delivering over, this court seems resolved to judge; let us, at least for once, have some touches of your old skill and craft in pleading; confess frankly that you came hither full of the hopes that you was to appear, not at a trial, but at a

robbery. A charge of parricide is brought here; and the prosecutor can show no motive that could induce the son to kill the father.

That which is the first and principal consideration in all the petty larcenies, in all the slight misdemeanours which are every day committed and tried, Erutius thinks of no importance in an affair of parricide; a crime, my lords, in which, though many concurring circumstances were brought to establish a presumption of guilt, yet to believe it is no easy matter. It does not depend upon idle guess-work; it is not to be tried upon questionable evidence; nor is the court to be determined by the art of the prosecutor. It is necessary that a long train of previous wicked practices, the abandoned morals, and the matchless audaciousness of the accused should be proved. Nay, audaciousness is not sufficient, it must rise to the utmost fury and frenzy. When all these are proved, yet the commission of the crime must be established by the most palpable and incontestable proofs: the place, the manner, the agents, the time. And unless the evidence as to all these is full and plain, no credit, I will venture to say it, can be given to so black, so detestable, and so unnatural a charge.

Great is the force of affection, and powerful are the ties of blood: nature herself loudly disclaims every suspicion of this kind. That one, who appears and looks like a man, should be so much more savage than a brute, as for ever to shut out from the face of day those by whom he enjoys the blessing of the light, is a monstrous prodigy; especially when we consider that birth, bringing up, and affection, endear even beasts to one another.

Some years ago, we have heard that one Titus Cælius, of Tarracina, a man of some consideration, when he had gone to bed, after supper, in the same bed-chamber with two young gentlemen his sons, was found with his throat cut in the morning. There was neither slave nor freedman near, who could be suspected of the fact. The two young gentlemen, who lay near him, said that they did not so much as know that the thing was done. However, they were impeached of their father's murder.

What, then? Appearances, it must be confessed, were against them. What, both of them ignorant of the matter! Could it be supposed that anybody would have ventured upon such an action, at a time while his two sons were in the same bed-chamber, who must have been alarmed, and could have easily prevented the murder?

Besides, there was nobody on whom the least presumption of guilt could be fastened. Yet, when it appeared to the court that the young gentlemen were found asleep, and with the door open, they were acquitted of the impeachment, and even of the smallest suspicion of guilt. For no one did imagine it possible that one could fly in the face of all laws, human and divine, by perpetrating so execrable an action, and immediately taste the sweets of repose; and the reason is plain, because they who are guilty of such detestable actions are not only unable to repose without concern, but to breathe without terror.

The poets tell us that those men who, to avenge the death of their fathers, killed their mothers, were so haunted by the Furies, that they could find no rest; yet in this, we are told, they only obeyed the dictates and oracles of the immortal gods; therefore, in such persons, even piety becomes criminal. In short, my lords, the meaning of the fiction is, the blood of a parent fills our veins with something so strong, something so indelible, something so awful, that if you receive the least stain of it, it is not only impossible to wash it out, but it communicates fury and frenzy to the brain.

For we are not to imagine that they who were guilty of any of those wicked, unnatural actions we meet with so often among the poets, were actually driven about and haunted by the burning torches of the Furies. No; presumptuous guilt is the Fury that torments; an evil conscience, the frenzy that rages; and stinging reflection, the terror that distracts. These, these are the incessant bosom-fiends that haunt the guilty, and day and night avenge the deaths of parents upon their unnatural children.

So enormous is the nature of this offence, that, unless the parricide be almost undeniable; unless the accused has been in

his youth an object of utter detestation; in his life, a complication of unparalleled guilt; and in his economy, an example of extravagant lewdness; unless he has acted beyond all bounds in his audaciousness, and even to madness in his temerity; I say, unless all these circumstances concur, the commission of the fact is too big for belief. Add to this, that proofs must be brought of his hatred of his father; his aversion to all paternal admonition; the wickedness of his company; the privy of his slaves, the fitness of the time, and the conveniency of the place for committing the action. Nay, my lords, before the court can give credit to so desperate, so detestable an action, I had almost said that you ought to see the blood of the father reeking upon the hands of the son. For this reason, the severity of the punishment is proportioned to the difficulty of the proof.

Hence, as from many other circumstances, we may conclude that our ancestors excelled other states in wisdom and civil polity, as much as they did in war. We have a pregnant proof of this in their devising a peculiar punishment for this crime; and thereby you may reflect how much in wisdom they excelled even the wisest among other states.

Athens, while she was an independent state, was allowed to excel in the arts of civil government; and Solon, the wisest of her citizens, was the compiler of those laws by which she is governed to this day. When this great man was asked why he enacted no punishment for a man who should kill his father, he answered that he thought it impossible any man should be guilty of such an action. His policy is commended; because, say they, if he had made provision against a crime which had not then been committed, it would not have looked like preventing, but suggesting it. How much wiser were our ancestors! Sensible that nothing was so sacred as for ever to be proof against violation, they devised a peculiar punishment for parricides, sufficient, by its severity, to deter from the commission of this crime those who were insensible to the checks of powerful nature. They ordered the criminal to be sewed up alive in a sack, and to be thrown into the river!

What matchless wisdom! Does it not seem, my lords, that

they conveyed, they snatched that man out of the system of nature, whom they thus suddenly deprived of air, light, water, and earth? Thereby intimating that the man who murdered him to whom he owed his existence, ought to be deprived of those elements from which all other things have theirs. They would not suffer his body to be thrown to beasts, lest their ferocity should be increased by the contact of so much guilt; they would not suffer them to be thrown naked into the river lest they should carry pollution into the very sea, which they thought could wash away pollution from every thing besides. In short, the meanest, the most despicable thing in the world, was thought too good for them to share in. For what can be so common as air to the living; earth to the dead; the sea to the floating; or the shore to the outcast? While they live, they breathe not the air of heaven; when they die, earth cannot receive their bones; when they float, they never can be purified; at last, they are cast out; but they find no rest, even on the rocks. Do you, Erutius, imagine that you shall be able to prove, before such a bench as this, the commission of so black a crime—a crime for which so signal a punishment is provided; and that too, without producing one motive for committing it? Were this a trial, even before brokers of estates, and Chrysgonus himself president of the court, yet you should have appeared at the bar better instructed and better furnished.

To what can we attribute your negligence? To your ignorance of the cause, or your disregard of the court? The cause is a charge of parricide; a crime that cannot be attempted without many strong motives. The judges are men of the most consummate wisdom; men who are sensible that no one commits the smallest crime without some motive.

Supposing, then, that you can produce no motive; it is true that this gives up the matter quite in my favour; but for once I will forgo my right; and so thoroughly satisfied am I of the innocence of Roscius, that I will make concessions in this cause which I would make in no other. I will not ask you what motive induced Sextus Roscius to murder his father. I will only ask how he did it. I will, Erutius, urge this question,

and deal with you in such a manner, that you shall be left at liberty either to answer or to interrupt ; or, if you please, to question me. How did he kill him ? With his own hand ? Or did he leave it to others ? If you say, he did it himself ; he was not at Rome. If by others ; let me ask you whether they were slaves, or free ? What kind of men were they ? Were they cut-throats of America or of Rome ? If of America, who are they ? Why are they not named ? If of Rome, by what means came Roscius to know them ? He who had not been at Rome for many years, and never was above three days in it at one time. Where did he meet them ? Whom did he treat with ? In what manner did he bring them over to his purpose ? Did he hire them ? To whom did he pay that hire ? Through whose hands did it pass ? Whence came it, and how much was it ? These are the circumstances that direct the pursuit of justice upon the head of the offender. Give me leave, at the same time, to put you in mind in what colours you have drawn this man's life. You have painted him a clown, and a savage ; as having no conversation or intercourse with the human species ; and as one who had never settled in any town.

I shall not here insist upon a circumstance I could urge as a strong proof of his innocence ; which is, that offences of this black dye are seldom hatched under this clownish habit, these sparing meals, and this plain, uncouth manner of living. Every life is not productive of every vice, no more than every soil is of every grain and every tree. The city creates luxury ; rapaciousness is the necessary consequence of luxury ; audacity breaks out from rapaciousness ; and thence springs all manner of guilt and misdeeds ; but this country life, which you call savage, is the directress of frugality, industry, and justice.

I shall, however, pass over all these considerations ; give me leave only to ask you, how, and by what instruments, a man who, as you yourself say, never lived amongst men, could perpetrate a crime of so deep a dye and so dark a nature, especially in his absence ? There are many allegations, my lords, which are false, yet are attended with some appearances of truth ; but if, in this case, there should be found so much as an appearance,

I will admit the charge. Sextus Roscius is killed at Rome, while his son is living upon his estate at Ameria. I suppose he, who was not acquainted with a soul at Rome, wrote to some assassin there. He sent for one: but when? He despatched a messenger: but whom? or to whom? He prevailed upon some one or other, by hire, favour, hopes, or promises: but not one of these circumstances is even pretended; and yet this is an impeachment of parricide! But they are now driven to suppose that he might do it by his slaves.

Immortal gods! how hard, how deplorable a case is ours! Sextus Roscius is deprived of that defence which generally clears the innocent upon a trial like this; for he is not admitted to offer his slaves to the question. Ye, who are his impeachers, have all his slaves in your power: nor is the unhappy Roscius suffered to have, out of all his numerous train, one boy to serve him at his meals. I appeal, Pub. Scipio, to you, and to you, Metellus, whether, while ye acted as advocates and agents in this affair, Sextus Roscius did not often demand of his prosecutors that two of his father's slaves might be put to the question. Do not you remember, Titus Roscius, that you denied him? How! Where are those slaves? Why, my lords, they are in the retinue of Chrysogonus; they are caressed and rewarded by him. I still demand, and my client earnestly entreats, that they may be examined. What are you doing? Why do you refuse it?

Entertain a doubt now, my lords, if you can, about the person who murdered old Sextus Roscius. Can you suspect the man who by that murder was driven into poverty and distress, and who is denied the privilege even of inquiring into his father's death? Or will you suspect those who decline the question, who possess the spoil, and who live in blood, and by blood? Every circumstance, my lords, of this case is wretched and shameful; but it is impossible to express any that is more iniquitous, and more unjust, than this. The son is not admitted to examine his father's slaves about his father's death; nor suffered to be master of his own slaves, so long as to put a question to them upon this interesting subject. But I shall

speak to this point by-and-by; for it entirely relates to the Roscii, whose audaciousness I promised to speak to, after I had discharged the allegations brought by Erutius.

But now, Erutius, I come to your part. You must of necessity agree with me, if he be guilty of this crime, that he either did it with his own hands, which you deny; or by means of some freedmen or slaves. Do you admit them to have been freedmen? But you can neither show how he could assemble them, nor where they met; by what motives, by what agents, by what inducements, by what hopes, nor for what hire. On the other hand, I take upon me to prove that Sextus Roscius was not only innocent of all this, but that it was absolutely impossible for him to be guilty; as he had not for many years been at Rome, and as he never left his farming business but upon some very pressing occasion. The mention of the slaves you seem to have reserved as a plank to carry you into harbour, after the shipwreck of all your other allegations, without being aware that you strike upon such a rock, as that you shall see this charge not only recoil from Roscius, but you shall perceive all the presumptions of it rebound upon yourselves.

What then is left, or whither can the prosecutor, in such a distress of proofs, fly for shelter? The licentiousness, says he, of the times was such, that murder was frequent, and commonly attended with impunity. This is a very good reason why you were able to perpetrate this crime with very little trouble, because there was such plenty of murderers. Indeed, Erutius, I cannot help thinking that you now want to compass two ends for one reward. First, to blacken us in this court; and secondly, to impeach your paymasters. How did you say? Murders were frequent. Frequent! Who were the ruffians? And who employed them? Do not you consider that you are brought hither by brokers? And what then? Do not we all know that in those days the same gentlemen who knocked down estates generally knocked down men?

In short, the very persons who patrolled night and day in arms through the streets, who were perpetually in Rome, whose lives were a continued scene of rapine and blood; these

very men object to Sextus Roscius the cruelties and injustice of those times; and think to charge as crimes upon him that frequency of murders of which they themselves were the abettors and the principals: upon a man who was not only absent from Rome, but entirely ignorant of what was doing there; because, as you yourself confess, he was always in the country.

I am afraid, my lords, that I shall appear to be either troublesome, or to distrust your understandings, should I insist any longer upon matters that are so very self-evident. I humbly conceive that the whole charge of Erutius is refuted; unless the court should be of opinion that I ought to purge my client of the charge of purloining the public money, and some other fabricated stories, such as till this time I never heard of; and appear to me to be taken from some other speech, and designed against some other accused person. As to these, as you have nothing but bare assertions to establish them, so bare assertions are sufficient for destroying them. If he chooses to rest any thing upon witnesses, he will find me more ready there, as well as upon the merits of the question itself, than he imagined.

The part I now enter upon, proceeds not from any inclination I myself feel, but from the duty I owe to my client; because, did I choose to impeach, it should be those of whom the impeachment could advance me; which I am resolved not to do, as long as I have liberty either to prosecute or to defend. For to me, that man appears the most amiable who rises by his own virtue; and not he who climbs to pre-eminence by help of the misfortunes and miseries of another. Let us therefore give over our inquiries into matters of no moment: let us inquire where the guilt lies, and where it can be fixed. You may by this time understand, Erutius, how many presumptions must concur to establish one fact. I shall not speak fully to them all, but touch upon each. Nor would I do even that, were it not indispensable; a proof of which, I will not push my charge farther than my client's interest and my own duty requires.

You could find no motive in Sextus Roscius, but I can in Titus Roscius. It is with you, Titus Roscius, that I have now to do, as you sit upon that bench and openly profess yourself

an adversary. I shall take care of Capito afterwards, in case, as I hear he is ready to do, he shall appear as an evidence. He shall then perceive some trophies of his own feats, which he is not aware that I have so much as heard of. The great Lucius Cassius, whom the people of Rome looked upon as a most equitable and a most discerning judge, used in all trials to inquire, To whose advantage was it done? For such is the constitution of human nature, that no man aspires to commit a wicked action, but from some hope or prospect of gain.

They who were to take their trials before him, trembled at the thoughts of having him for their judge; because, though he was the friend of truth, yet he did not seem so much to incline to mercy, as to be biassed towards severity. For my own part, though a brave man, who knows how to check the guilty, and to compassionate the innocent, sits as the president of this court, yet I would cheerfully venture, even before Cassius, or before judges like him, who are the terror of the accused, to plead the cause of Sextus Roscius.

For when they should perceive upon this trial that the prosecutors came into the possession of a vast sum, while the accused was left a very beggar, they would not need to inquire who were to be the gainers by the murder? But they would fix the crime, and its presumptions, rather upon the plunderers than upon the needy.

But should they add another consideration, that before this, you yourself was indigent; that, perhaps, you was rapacious; perhaps, that you was daring; perhaps, that you bore the most inveterate hatred against the deceased; could they be at a loss to account for the motive that induced you to commit this black action? Is there a circumstance in all this that can be denied?

His indigence was such, that it cannot be concealed; and the more he would attempt to disguise it, the plainer it will appear. Your rapaciousness is written in your forehead; since you could enter into partnership with a mere stranger, in sharing the fortune of your relation and fellow-citizen. Your audaciousness

(not to mention other proofs) is plain to all mankind, by your being the only one of all the conspiracy, of all the numerous gang of assassins who sit along with the impeachers, who not only dare show, but thrust forward your face into the view of this court. You will be obliged to own that you entertained an enmity, and had great family quarrels, with Sextus Roscius. Therefore, my lords, you are now to consider, whether it is more probable that the deceased was murdered by the man who inherits his estate, or by him who inherits nothing but beggary by the murder. By the man who was raised from penury to plenty; or by him who was reduced from happiness to misery. By him whom the lust of lucre has inflamed with the most inveterate hatred against his own relations; or by him whose life was such, that he never knew what gain was, but from the product of his own labours. By him who, of all dealers in the trade of blood, was the most audacious; or by him who was so little accustomed to the forum, and trials, that he dreads not only the benches of a court, but the very town. In short, my lords, what I think most to this point is, you are to consider whether it is most likely that an enemy, or a son, would be guilty of this crime.

Had you, Erutius, got so many, and such important circumstances to urge against my client, to what a length would your pleading run! How would you exult! By heavens! this light would fail sooner than your lungs. For upon each of these subjects, the matter is of such a nature, that you can consume whole days in setting it forth; and I could do the same. For though I assume nothing to myself, yet I will not derogate so much from my own qualifications, as to own that you can speak more copiously than I can. But the number of counsel is such, that I, perhaps, may be lost in the crowd; a battle of Cannæ has qualified you sufficiently for an accuser. We have seen the Servilian, not the Thrasymenian lake, a scene of slaughter.

“Who did not suffer there from Phrygian steel!”

There is no occasion for me to enumerate all particulars, the Curtii, the Marii, in short, the Memmii, whom age itself excused

from battles. At last the aged Priam, the venerable Antistius, who was excused from fighting, not by his years only, but by the laws. At the same time, there are six hundred so mean that no one names them, who serve as accusers upon the statutes of stabbing and poisoning. For my part, I wish they may all of them have bread; for it can do no harm to have a great number of dogs where a great many people are to be watched, and great property is to be guarded.

But, as it generally happens in the heat and hurry of war, a great deal is done without the knowledge of the generals. While the person in whom the government was lodged was intent upon other matters, some people took that opportunity of curing their own wounds; and, as if the state had been wrapt in eternal night, they jostled about in the dark, and put everything into confusion; so that I am surprised they did not even burn the very benches, that there might not be left so much as a mark of a court of justice: for they destroyed both judges and prosecutors. This satisfaction, however, remains; they behaved in such a manner, that it was impossible, had they endeavoured it, to have destroyed all the evidences of their guilt: for while the human species subsists, never can it be without accusers; and while this state remains, it never can be without a judicature. But as I was saying, had Erutius the arguments in his favour which I have in mine, he would enlarge upon them a long time; and, my lords, so could I. But I design, as I have already told the court, to touch upon every circumstance slightly, and with a gentle hand; that the world may see that it is not my choice to impeach, but my duty to defend.

We have seen, therefore, a great number of motives that might prevail with this man; let us now examine whether he had any opportunity for committing this villainy. Where was Sextus Roscius murdered? At Rome. How! Titus Roscius, where was you then? At Rome. But what is that to the purpose? So were a great many more. But give me leave to observe, my lords, that the question now, is not, who of all that number murdered him, but whether it is most rational to conclude that a man who was murdered at Rome, was murdered

by one who, about that time, was there every day, or by one who had not been near Rome for many years.

I shall now proceed to the other opportunities. Erutius says, Rome at that time swarmed with assassins, and murder passed unpunished. How! then who composed those swarms of assassins? To be sure, either they who sought to get estates by murder, or they who were hired by them for those purposes. If the first, then you yourself come into that number, since you are now enriched by our estate. If the latter, whom some people call by the softer name of executioners, let me ask you by whom they are hired, and on whom do they depend? Believe me, you will find, upon inquiry, a certain accomplice of yours in that number; and by weighing all your objections with our defence, the question betwixt Sextus Roscius and you may be easily stated.

"But what then," say you, "supposing I was every day at Rome?" All my answer to that is, I was not. "I own that I am a broker, and so were a great many more." But you, yourself, admit that I was a farmer, and a clown. "Does it follow, that because, perhaps, I sometimes kept company with murderers, that I am a murderer myself?" But then, sir, I, who never was so much as acquainted with any of that gang, can never be guilty of such a crime. A great number of other circumstances might be brought to prove that you had the most inviting opportunities for undertaking this murder; but I will overlook them, not only because I am unwilling to accuse you, but because, if I were to enter into a detail of those murders which were committed at the same time, and with the same views as that of Sextus Roscius, it might affect others besides you.

Let us now, Titus Roscius, inquire, with the same gentle hand, into what you did after the death of Sextus Roscius. These, my lords, are actions so glaring and so flagrant, that, by heavens! I touch upon them with unwillingness. For, Roscius, whatever your merits or demerits may be, I am afraid lest I should seem to save my client at your expense. While I am under this apprehension, and am inclined, so far as is consistent with the duties of my profession, to spare you, I change

my mind. Your impudence thrusts itself full upon me. Have not you, while your other accomplices have deserted you, and absconded, that it might appear as if this prosecution had been set on foot, not with a view to secure their plunder, but to punish his guilt, solicited and struggled for the character in which you now appear, that you might have a hand in the trial, and sit among the prosecutors? An ambition in you which can serve no other end, but to expose your presumption and impudence to the view of all mankind.

Who brought the first accounts of the death of Sextus Roscius to Ameria? Your dependant and friend, Mallius Glaucia, whom I have already mentioned. What was the meaning of this, that he, of all mankind, was the messenger of this news? For you, of all others, had the least right to take any concern in such an event, if you had entered into no design against the life and fortune of the deceased, and formed no agreement, either as to perpetrating or rewarding the murder. Did Mallius do it of his own accord? Pray what concern had he in it? Was it by accident, when he came to Ameria, not on this account, that he was the first who told there what he had heard at Rome? What brought him to Ameria? I can't tell, say you; I am no conjurer. Then, without being a conjurer, I will bring the matter to a short issue. What was the meaning of his carrying the first accounts to Titus Roscius Capito, while the deceased had a family, a wife, and children, at Ameria; while so many of his relations lived there in the most endearing familiarity? What, I say, was the meaning that this creature of yours, this messenger of your wickedness, should carry this news to Titus Roscius Capito, rather than to anybody else?

The deceased was killed as he was returning from supper, and the news was at Ameria before day. What does this incredible despatch, this haste, this hurry, intimate? I do not ask you who murdered him. You have nothing to fear, Glaucia; I am not examining, I am not searching you for the concealed poniard: that is nothing to me at present; because, as I have already discovered by whose contrivance the murder was committed, it matters not who gave the blow. One fact I have

established, and that throws a light upon all your wickedness. Where, or from whom, did Glaucia hear this? How came he to know it so soon? Supposing he had heard of it the moment it was committed, what obliged him to perform so great a journey in one night? What necessity was so pressing as to force him, if his coming to Ameria was mere matter of choice, to leave Rome at so late an hour, and to travel all night? In a matter so very clear as this, are we to hunt for arguments, are we to be puzzled how to form conjectures?

Is not all you have heard, my lords, painted before your eyes? Do you not see the unhappy Roscius, ignorant of his fate, returning from supper? The assassins planted? The sudden onset? And Glaucia a principal actor in the murder? Is not Titus Roscius present to your eyes? Does he not with his own hands help his Automedon into his chariot, that he may be the first to carry the news of his cruel guilt and his unnatural conquest? Does he not beg him to take no rest that night? To take a little pains for his honour, and to carry the news as early as possible to Capito?

Why did he wish that Capito should be the first to know it? I do not know; but I know that Capito shared in this estate. I see that, out of thirteen farms, he possesses three of the best. I understand, likewise, that this is not the first time Capito has been suspected on this account; that he has won many infamous wreaths, but that this is the first garland he ever carried into Rome; that there is no method of murder which he has not practised. Many has he despatched by the sword, and many by poison. I can likewise produce you an instance where, contrary to a good old custom, he threw a man over the bridge into the Tiber, who was not sixty years of age. If he appears, or rather when he appears, for I understand he is to do it, he shall hear all this himself.

Let him advance; let him then produce that roll which I can prove Erutius wrote for him; with which, they say, he threatened Sextus Roscius, by telling him that he would bring it all in evidence. What a notable witness, my lords, is this! what solemn dignity have we here! how blameless is his life!

Can you refuse implicitly to make it the rule by which you are to judge upon oath? Give me leave to say, that we could not so plainly discern their guilt, were they themselves not blinded by passion, avarice, and presumption.

One despatched a nimble messenger, hot from the murder, to his companion and director at Ameria: so resolved was he, if all mankind should desire to seem ignorant who committed the fact, to come and expose his own guilt, naked to their eyes. The other, in the name of heaven, is to be an evidence against Sextus Roscius; as if you were now to consider whether he ought to be believed in what he has to say, or punished for what he has done. But our constitution has provided that the greatest men can never be evidences in the smallest matter that concerns themselves.

Africanus, whose very name is a declaration that he conquered a third part of the world, could not be admitted an evidence in his own cause. I dare not make so free with so great a man as to say, that if he had been a witness, he would not have been believed. Observe how everything is altered and degenerated. Now, in a trial concerning an estate and a murder, a broker and an assassin is to be admitted an evidence: I mean, the buyer and possessor of the estate now in dispute, and the procurer of the murder now in question.

Well, most excellent sir, have you anything to offer? Mind that you take care to do your best; you too have a great deal at stake. You have done many wicked, many bold, many criminal actions; and believe me, you have now done a very foolish one; of your own accord, no doubt, and not by the advice of Erutius. You had no business to sit on that bench; for no man produces a dumb prosecutor, nor an evidence who rises from the bench of accusers. Besides, your malice should have been a little more concealed, a little more guarded. Does any one now desire to hear anything from you? Now that you have acted in such a manner, as if you had industriously sought to do prejudice to your own cause. But let us examine, my lords, what immediately followed.

Four days after the death of Sextus Roscius, the news was

carried to Chrysogonus, then at Volaterræ, in the camp of Lucius Sulla. Let me again ask, who sent him this news? To be sure, the very person who sent it to Ameria. Chrysogonus, who knew nothing either of the man or the matter, takes care that they should immediately sell his estate. You may ask, how he came to covet the estate of a man to whom he was an absolute stranger, and whom he never saw? My lords, the natural answer to such a question is, to be sure some townsman or neighbour must have told him; they generally are the informers; they are generally the traitors. Here is nothing to give you any grounds of suspicion; and I will not plead in that manner. It is probable that the Roscii laid that matter before Chrysogonus, for they had lived in friendship with him before that time; for, though the family of the Roscii had a great many old patrons and friends, yet they left off paying their duty to them, and had put themselves under the patronage and protection of Chrysogonus. I could, with great truth, bring all these allegations to support my pleading; but in this case there is no occasion for conjecture. I am positive they themselves do not deny it was by their instigation that Chrysogonus appropriated this to his own use. If, my lords, you should see a man who has been a sharer in the profits arising from an information, can you have any doubt with regard to the person of the informer? Who then is in possession of this estate? With whom did Chrysogonus share it? The two Roscii. Anybody else? No, my lords. Have we any room then to doubt that the persons who shared in the prey were the same who pointed out the prey to Chrysogonus?

Let us now examine the fact of the Roscii upon the judgment formed of it by Chrysogonus himself. If the Roscii had done nothing of consequence in that rencounter, why were they so liberally rewarded by Chrysogonus? Had they done nothing besides making a bare information, had they a title to anything but thanks, or if he had a wish to do the thing handsomely, to some mark of gratitude? But why was so great a reward as three estates, worth so much money, immediately bestowed upon Capito? Why should that Roscius possess the residue in

common with Chrysogonus? Is it not plain, my lords, that Chrysogonus, being fully apprized of the matter, bestowed those spoils upon Roscius?

Capito was among the ten who were deputed to go to Sulla's camp. Now learn the whole history of his conversation, nature, and morals, from his behaviour on this deputation; and, my lords, unless you shall be convinced that there is no duty so sacred as not to be violated by his guilt, no law so binding as not to be infringed by his perfidy, you may pronounce him the best of men.

He takes care to hinder these matters from coming to Sulla's ears: he discovers to Chrysogonus the designs and intentions of the other deputies: he advises him to prevent the thing from becoming a public transaction: he tells him, if the estate should not be put to sale, that he must lose a great deal of money, and he himself endanger his own life: he spirits up Chrysogonus: he imposes upon the other deputies: he again puts Chrysogonus in mind to be upon his guard; and slyly gives the other deputies false encouragement: he enters into concert with him against the others: he betrays all their designs to him: he makes a bargain with him for his share of the prey; and always taking advantage of some incident, took care to shut up all access to Sulla. In short, by his wheedling advice and interposition, the deputies never had an audience of Sulla. Imposed upon by his insincerity, or rather by his treachery, all they brought back with them was an idle hope, instead of a substantial performance. This will be confirmed to you by the testimony of the deputies themselves, provided the prosecutor shall choose to summon them here as evidences.

When a man, in the private concerns of life, from any selfish view of profit or interest, managed an affair intrusted with him, I will not say treacherously, but even carelessly, our forefathers judged that such a man acted with the highest infamy; therefore the penalties incurred by the unfaithful execution of a commission were as infamous as those of a downright theft. This, I suppose, arose from a consideration that in those matters where we could not be personally present ourselves, the management of them

must devolve upon a supplemental trust delegated to our friends. The man, therefore, who violates this, breaks into the general rights of the community, and, as far as in him lies, confounds all the ties of society. For it is impossible that we should manage everything in person; each man is peculiarly adapted for a certain province of business. Therefore friendships were formed, that the general system of public good might be supported by mutual acts of benevolence.

Why should you accept of a commission, if you design either to neglect it, or turn it to your own advantage? Why do you offer your service to me, and yet under that mask of friendship, obstruct and hurt my interest? Be gone: I will do my business by another. You think yourself equal to the burden of a duty which you undertake, and which no man of common honesty will think heavy.

This is therefore infamy itself; because it violates the two most sacred things in the world, friendship and honesty: for no man gives a commission to another, unless he thinks him his friend, nor trusts any man whom he does not believe to be honest. He must therefore be a most consummate villain who shall at once dissolve the ties of friendship and deceive the man, who, but for his trusting him, would not have been injured.

Was it then necessary that a person who, in the slightest matters, neglected his trust, was branded with the most infamous penalty; and in an affair of this consequence, shall a man show his face among honest men; nay, show it among the living, who, being intrusted with the reputation of the dead, and the fortunes of the living, has betrayed the first to infamy, and the latter to misery? In the most trifling personal concerns, even the neglect of a commission is looked upon as criminal, and accounted to be infamous in the eye of the law; because, if a commission is punctually executed, the oversight, if any shall happen, does not lie in the person who receives, but in him who gives that commission. In an affair of this kind, where the transaction and the trust were public, what punishment can be devised equal to the crime of that man, who not only injures another in his private property, but defiles and stains, by his

treachery, the very oath of a public commission? I say, what penalty severe enough can be inflicted upon such a man?^a

Had Sextus Roscius, as a private person, intrusted this affair to his management, that he might transact and make it up with Chrysogonus, and, as he should see occasion, make use of a discretionary power in his name; is it not plain, that if he had converted the smallest matter of the commission to his own private advantage, he must have been condemned upon an arbitration to make restitution, and forfeit all pretences to common honesty? Now Sextus Roscius did not in a private capacity intrust this affair to his management: no, the charge comes with much heavier aggravations; for Sextus Roscius himself, his reputation, his life, and all his estate, were publicly intrusted by the assembly into the hands of this Roscius. The appropriation which Titus Roscius made to himself was no paltry insignificant affair; for he stripped him entirely of all his estate: he bargained for three farms for himself; and made as light of the authority of the assembly, and all his townsmen, as he did of his own honesty.

Let us now, my lords, take a more narrow inspection into this affair, that you may be thoroughly sensible there is no kind of guilt to be conceived into which he has not plunged. It is infamous, even in the most trifling affairs, to impose upon a partner, yea, as infamous as in the case I have already mentioned; and with good reason; for a man who takes a partner into a business, imagines that he has got an assistant. To whose succour then can he fly, after having been injured by the very succour to which he trusted? And those slips that are guarded against with the greatest difficulty, ought to be most severely punished. We can be upon our guard against strangers; our bosom-friends cannot but see a great deal more into our conduct; but who can guard against a partner! For the very distrusting him does injury to our mutual engagements. Our forefathers, therefore, were in the right not to look upon him as an honest man who had imposed on a partner.

But this Roscius has not imposed on one partner in a money matter; a thing that is indeed hard, but not intolerable; but he

led on, deceived, betrayed to their enemies, and most villainously, most perfidiously imposed upon nine persons of the fairest characters, joined with himself in the same charge, deputation, duty, and commission. They who could have no mistrust of his guilt, had no reason to entertain any jealousy of their brother commissioner. They had not perceived his craft, and believed the delusion of his lips. For this reason, these very honest men are now thought to have had too little caution and circumspection, merely because he had too much craft and cunning. He who was at first a traitor, and then a renegade; who first divulged the designs of his partners to their enemies, and then entered into partnership with those very enemies; now that he is distinguished with three farms, that is, with three rewards of his iniquity, he threatens and bullies us. In your inquiry into such a life, my lords, amidst such a complication of guilt, you will find the very offence which you are now trying; for your manner of proceeding in such an inquiry ought to be, that if you find a great many rapacious, presumptuous, villainous, and treacherous actions, you are to conclude that this species of guilt is concealed among the others. But, indeed, this is by no means concealed; for it is so plain and self-evident, that we have no reason to presume it from the other crimes which he has committed; but he may be convicted of all his other crimes from this one, were there the least room for doubting them.

What then, my lords, are we to conclude that this prize-fighter has absolutely laid aside his profession, or that the apprentice has learned so little of his art from his master? In rapaciousness they are equals; they are rivals in villainy; alike in impudence; and twins in audacity: for as you have been brought acquainted with the honesty of the master, I will now introduce you to the candour of the scholar. I have already taken notice that they were very often required to give up two slaves to be examined. This, Titus Roscius, you constantly refused. Let me now ask you, whether they who required this were of so little consequence as not to be regarded in their request? Was the person for whom it was required, no proper object of concern; or was the demand unjust in its own nature? They who made it were men

of the greatest honour and integrity in Rome, and whom I have already named: men whose lives and characters are such in the esteem of every Roman, that their bare word is sufficient to obtain what is reasonable. The person for whom this was required was one of the most unfortunate and unhappy of mankind: one who would have willingly yielded himself to the rack, provided it could have promoted the inquiry into his father's murder. And the thing required was of such a nature, that it was the same thing for you to refuse it, as to confess yourself guilty of the fact.

This being the case, give me leave to ask you, for what reason you refused this? Those slaves were present when Sextus Roscius was murdered. As to my part, I neither accuse nor acquit the slaves of the murder. But the circumstance of your refusing to suffer them to be put to the question, begets an ugly presumption against you; and your caressing and rewarding them as you do, amounts to a direct proof that they know something which, if they were to speak out, would be your ruin. It is unjust, say you, to make slaves evidences by torture against their masters. Is this demanded? Sextus Roscius is the party; and upon his trial, you do not say that you are their master. They are waiting upon Chrysogonus; 'tis probable that they are. Chrysogonus is quite charmed with their learning and politeness, so that he has chosen them, though they are but labouring slaves, taken from the stock of a plain country gentleman at Ameria, to tutor his pretty train of younglings, whom he has picked out of all the choicest stocks of slaves, in their improvements in pleasure and the liberal arts. Believe me, my lords, it is by no means probable, it never can be, that Chrysogonus should fall in love with their learning or politeness, nor that he should have proofs of their economy and honesty. There is a secret motive, which the more industriously it is concealed and stifled by them, the more glaring and evident it is in the eyes of the world,

How then does the matter stand? Is Chrysogonus unwilling that those slaves should be examined, that he might the better conceal his own guilt? By no means, my lords: I am far from

thinking that the several presumptions fit all of them equally well. For my own part, I have no such suspicion of Chrysogonus; and I have declared so before this time. You may remember that, at my setting out, I divided my pleading in this manner: First, into the charge, the management of which falls to Erutius. Secondly, the audacity, which falls to the share of the Roscii. Whatever you find in it that relates to mischief, guilt, and blood, is appropriated to the Roscii. We say, that the overgrown interest and power of Chrysogonus is both insupportable and prejudicial to us; and that we expected, as you have authority to do it, that you would not only crush, but punish it.

My way of thinking is, that the man who earnestly desires that they who certainly were present at the murder should be examined, is in earnest about finding out the truth; and that he who is against this, though he dares not own it in words, in effect, confesses the misdeed. I informed the court before, that I would not enlarge upon their crimes farther, my lords, than the cause required, or necessity obliged me: for I could bring many allegations, and support each of them with variety of proof; but I never can dwell either long, or minutely, upon circumstances which I am forced against my will to mention. Whatever was indispensable to my pleading, that, my lords, I have but slightly touched upon; and as to the presumptive proof which I have brought, as I should be obliged to go into a long train of arguments were I to enter upon its merits, I will submit it to the wisdom and sagacity of this court.

I come now to the golden name of Chrysogonus—a name under which the whole confederacy is established; but such a name, my lords, as puzzles me to find out how I can suppress, or how I can mention it. By suppressing it, I should leave out the best part of my pleading; by mentioning it, I am afraid that not only he (though I do not much mind that), but many others, will judge themselves aggrieved. Yet the case is such, that it does not at all seem necessary for me to enlarge much upon a common charge against all brokers; for, indeed, this cause is new and singular in its own nature.

Chrysogonus was the purchaser of the estate of Sextus

Roscius. Let us now, in the first place, inquire for what reason this estate came to sale, and in what manner it could be sold. I will not, my lords, treat this inquiry as if it were an infamous thing that the estate of an innocent person should be sold at all; for, were I at liberty to speak, and you to hear all I could say on this subject, Sextus Roscius was too inconsiderable a member of this government to become the chief instance of such oppression. I will therefore confine my examination of this point to this single consideration; by what law relating to proscriptions (call it Cornelian, or call it Valerian, for I neither know nor care which), I say, by what law had they any power to sell the estate of Sextus Roscius?

They tell us the letter of the law is, *That the estates of the proscribed shall be sold* (but Sextus Roscius was not proscribed), *together with the estates of all those who are killed in the garrisons of an enemy.* While garrisons were kept up, he was in those of Sulla; and after the public had gained a breathing-time from arms, he was murdered at Rome, in a time of deep tranquillity, as he was returning from supper. If this was legal, I shall admit the sale of his estate was legal too. But if it should appear that this was done contrary to all laws, the new as well as the old, give me leave to ask, by what law, title, or in what manner, could this estate be put up to sale?

You want to know, Erutius, against whom I point this: not against him whom you wish and think of; for from the beginning of my pleading, my speech, and his own matchless virtues, which he every hour discovers, have cleared Sulla from all such imputation. I aver that all their management was through Chrysogonus: the lies that were told; the pretending that Roscius was an undutiful subject of the state; the forgery of his being killed in the garrison of the enemy; and the intercepting all the information which Sulla ought to have had upon this head from the deputies of Ameria. In short, my lords, I have a strong presumption for believing that this estate, in fact, never was sold. This is a point which, if the court will give me leave, I shall by-and-by open more fully.

I apprehend that the law names the day on which all

proscriptions and sales are determinable; and that is, the first day of June; several months before the death of this person, and the sale of his estate. Give me leave, therefore, to say, that either this estate never was entered into any of the treasury-books (and if so, this fellow has duped us by a more ridiculous trick than we are aware of); or, if it appears upon any such book, it must have been forged by some means or other. For it is plain that by law the estate could not be sold. I am sensible, my lords, that I am entering too prematurely upon this disquisition, and therefore am under correction, because I am dwelling on a trifle, while I should be endeavouring to save the life of my client; for his anxiety proceeds not from money, nor has he regard to any consideration of interest: acquit him but of this infamous charge, this groundless impeachment, and he thinks he can easily bear all the pressures of poverty. But, my lords, I beg you would hear what I am now to say, with that indulgent attention, as if I myself, as well as Sextus Roscius, were a party concerned. For, my lords, when I consider the hardships and oppressions of this case, when I consider that they may in general be the lot of unsuspecting innocence, I feel for myself; and what I speak proceeds from the strongest conviction, and the deepest anguish. As to what concerns the misfortunes and situation of my client, the defence he has to offer for himself, and the condition that would content him; all that, my lords, I will reserve to the latter part of my pleading.

As I speak for myself, therefore, supposing Roscius to be left out of the question, I should be glad if Chrysogonus would tell me, in the first place, why the estate of a worthy citizen was sold? And as the law is only meant of those who are killed in the enemy's service, or proscribed, how came the estate of a man who was neither, to be sold? Then, why was this sale made so long after the time prescribed by law? Then, why was it sold for such a trifle? Now, though, after the common practice of knavish and profligate freedmen, the blame of all this should be laid upon the patron, that will not account for it; for every one is sensible that in such a multitude of concerns, a great many

people did a great many things, partly without the approbation, and partly without the knowledge, of Sulla.

You choose, then, that in such matters some slips should be made through inattention? No, my lords; this is not choice, but necessity. For if Jupiter (the best and the greatest), whose will and pleasure controls the heavens, the earth, and the seas, by sweeping winds, unruly storms, intense heat, or intolerable cold, often hurts mankind, demolishes cities, or destroys the harvest, we are not to conclude that these are effects of a mischievous disposition in the deity, but of the unruly, unwieldy system of natural causes; while at the same time we are sensible that all the comforts we possess, the light we enjoy, and the air we breathe, are the gifts and blessings of his providence. Are we then to wonder that Lucius Sulla, on whom alone was devolved the management of the state, the government of the world, and the majesty of this empire, recovered by his arms, and established by his laws, should be sometimes surprised through inattention to particular objects? Are we to wonder that human wisdom cannot compass what is too difficult for divine power? But, that I may omit what has already happened, is it not plain, from what is now doing, that Chrysogonus, who entered this impeachment, is the sole contriver and conductor of the whole? In this trial, which is nominally carried on by Erutius,

(Here is a chiasm in the original.)

Others of them live in the fields of Salentum and Bruttium, where they do not hear three times in a year what is doing in the world, and imagine that they lead a very convenient, agreeable life.

But the other marches down to you from his seat upon the Palatium: he has there a pleasant country seat, near the city, to retire to, in order to relieve his mind from the fatigues of business; besides many other estates, each of them sumptuous and adjoining. His house filled with vases from Corinth and Delos; among which is that famous portable stove, for which he lately gave so great a price, that strangers who heard the auction as

they passed imagined that an estate was selling. How many other embossed pieces of plate, quilts, pictures, statues, and marble ornaments may you imagine he possesses besides? Certainly as many as he could heap together into one house, from the plunder and devastation of many noble families.

Need I to mention his retinue, and the elegant variety of trades in his equipage? Not to name those of vulgar callings, such as cooks, bakers, chairmen, he has so many operators for amusing the eyes and ears in his pay, that the whole neighbourhood resounds with his concerts of voices, fiddles, and flutes by day, and his revels by night. What great expenses, what profusion, my lords, must it require daily to support such a life as this! But as to his entertainments, no doubt they are innocent, especially as they are made in such a house as his is; if we can call it a house, and not rather a shop for villainy, and an inn for all manner of wickedness.

In what manner he swims along the Forum, with his well-dressed, perfumed locks, and sweeping train of Romans, yourselves, my lords, are witnesses. Nay, yourselves, my lords, are witnesses how he looks down upon all mankind, how he holds them in contempt; that he thinks nobody a man besides himself, and imagines himself alone possessed of happiness and power.

But, my lords, were I to mention what he is effecting, and what he is attempting, I am afraid that by those who know no better, it would be thought that I meant to throw a reflection upon the cause of the nobility, and to detract from their victory. Yet, my lords, I have a right to censure that party, if I think anything amiss in it; because I am sure nobody will imagine that I am disaffected to the interest of the nobility. For all who know me, know that, according to my mean, slender abilities, after an accommodation, the thing that I most earnestly wished for being rendered impracticable, my chief endeavours were that victory might declare herself in the manner she has done: for no man was insensible that the dispute lay about pre-eminence betwixt the mean and the great; and in such a case what Roman could be so profligate as not to join that party whose safety was connected with that of the public dignity at home, and the public

authority abroad? I am overjoyed, my lords, I am ravished, to see that these have been preserved, and that every Roman is restored to the possession of those honours, and that degree to which he is entitled; and I am gratefully sensible that all this was effected by the will of the gods, the affections of the Roman people, and the wisdom, the command, and fortune of Lucius Sulla.

As to the penalties inflicted upon those who made so strong an opposition, I am not at liberty to condemn them; and as for the regard shown to those brave men who distinguished themselves in that struggle, this, if I mistake not, was the very intention of the struggle; and I own that this was the true object of my concern in this affair. But if the end of all our endeavours, if the fruit of all our disputes, is, that the most infamous of mankind should be enriched with the estates of others, and may make an indiscriminate attack upon the fortune of every man that is in the way of their ambition; if we are to be tied up, not only from acting, but from speaking, against such practices; then the Roman people, instead of being recovered and redeemed, have been sunk and oppressed by this war.

But the case is quite otherwise. Let us away, my lords, with these suggestions: no, the interest of the nobility will be so far from receiving harm, that it will receive honour from your opposition to such men. For they who blame the actions I have touched upon are sorry that Chrysogonus has so much power; they who desire to justify them, deny that he has it.

But there is nobody now who has so much folly or knavery as to say, "If I durst have spoken, I would have said." Out with it; what are you afraid of? "I would have done." Do it; who is to hinder you? "I would have decreed." Decree; and if you are in the right, you will have the public voice to thank you. "My judgment would have been." Speak it; the whole world will be your friend, if it is just and regular. While the public exigencies rendered it necessary, one man exercised an absolute authority; but after he had created magistrates and enacted laws, every man was restored to his own sphere of action and share of power. If the present possessors, who have been thus restored,

have a mind to preserve it, they may do it as long as they live; but if they shall either commit or approve of such murders, rapine, and profusion of expense, I will indeed, for the omen's sake, forbear to say anything against them that is severe; but one thing I will say, that, unless our great men are possessed of the virtues of temperance, meekness, courage, and mercy, they must of necessity resign their badges of distinction to those who are. Therefore, let it never be heard of, that a man speaks indecently, when he speaks with truth and freedom. Let them no more make the interests of Chrysogonus a common cause with their own; let them no more imagine that any check which he may receive, is a diminution of their honours. But let them reflect how wretchedly scandalous it is if they, who could not bear with the lustre of the equestrian order, should bear with the domineering insolence of the vilest slave.

This was an insolence, my lords, which formerly seemed to be exercised on other objects; but you may perceive what road it is now marking out, and to what purposes it proceeds: no less than to your integrity, oaths, and judicatures; to almost everything that remains in this state unpolluted and holy. Does Chrysogonus then imagine that he has any influence here, or that his power extends even over this bench? Heart-breaking thought! By heavens, my indignation does not arise from any fear that it does; but from reflecting that he durst have the presumption, the impudence, to hope that he could bias this court to the destruction of the innocent; it is that which gives me pain.

Did our aroused nobles restore their country to liberty by arms and bloodshed, that freedmen, and the meanest slaves of the great, might have it in their power to oppress and harass you and us, out of our estates and property? If this was the case, I own I was in the wrong for making the choice I did; I own myself mad, for having been of their party: but, my lords, I was of it without carrying arms to the field. Yet if victory ought to add lustre to our nobility, and communicate happiness to our country and the people of Rome, then ought these sentiments of mine to give pleasure to every excellent, to every noble

Roman. But if there is a man who thinks himself or his party injured by my exposing Chrysogonus, he knows not the principles of his own party; nay, he scarcely knows himself; for the party would appear still more noble should it declare war against every bad man. Every degenerate abettor of Chrysogonus, who imagines his interest linked with his own, injures himself; since by that very conduct he detaches himself from the glories of his party.

But as I observed before, all that I have yet said is in my own person, and has been wrung from me by the wrongs done to my country, by my own grief, and the vile practices of these bad men. But my client feels not this indignation; he impeaches nobody; he complains not of his ruined fortune. A stranger to the world, accustomed only to fields and flocks, he imagines all that has been acted under the shelter of Sulla's name to be customary, legal, and agreeable to the law of nations. Absolve him from the crime, clear him from the charge of unnatural guilt, he will joyfully bid you farewell. Free him but of this imputation of infamy, and he says that he will cheerfully part with all the comforts of life. He requests of you, Chrysogonus, that if, out of all the opulent fortune left him by his father, he has saved nothing for himself; if in no respect he ever did you wrong; if he honestly and faithfully made over in tale and weight, his all to you; if he gave you even the clothes from his back, and the ring from his finger; if he stripped himself of all his effects, without the least reserve; then he begs that you would give him leave to enjoy the remainder of his life, with the assistance of his friends, in innocence and poverty.

You possess my estate, while I subsist upon the charity of others. I am contented; both because I have an unrepining mind, and necessity obliges me. My doors are open to you; to me they are shut: I submit. You are served by my numerous retinue, while I have not a single slave to attend me: I suffer it, and think it my duty. What would you more? Why do you persecute, why do you attack me? In what instance have I resisted your will? In what respect do I obstruct your interest? How do I stand in your way? If you wanted to murder a man

for plunder, the plunder is yours ; what would you more? If from resentment, what resentment could you harbour against the man whose estate you possessed before you knew his person? Do you fear him? But why fear anything from him whom you see unable to repel so cruel an injury from himself? But if you want the destruction of the son, because you possess the estate of the father, is it not plain you are afraid of a thing which you, of all mankind, need not to fear, that the estates of the proscribed should be restored to their children?

You are mistaken, Chrysogonus, if you imagine that your possession of this bargain will be better secured to you by the death of Roscius than by the actions of Sulla. But if you have no reason for oppressing the unhappy Roscius with such a load of misery; if to you he has resigned all but his life, without reserving so much of what belonged to his father as may serve to erect a monument to him; immortal gods! why all this cruelty? Why this savage, this unrelenting disposition? Was ever robber so inhuman, was ever pirate so barbarous, as when he could have his booty entire and bloodless, to carry it away by murder?

You know that this man has nothing, can attempt nothing, can do nothing, nor did ever plot to thwart your interest; yet you persecute the man whom you cannot fear, whom you ought not to hate, and whom you see has nothing now left for you to strip him of: unless you take it ill to see the person whom you drove naked, at it were, from the shipwreck of his fortune, now sitting clothed at his trial. Surely you know that he is beholden for food and raiment to that excellent Lady Cæcilia, the daughter of Balearicus, and sister of Nepos. Though she had an eminent father, noble uncles, and an accomplished brother, and though she is a woman, yet her merits are such that her virtue reflects as much lustre upon them, as their dignity communicates honour to her.

Does it gail you to see that he is resolutely defended? Believe me, should all those guests whom his father made his friends, by his hospitality and good offices, appear here, and undertake his defence with freedom and spirit, he would have a

numerous band of defenders. But if they should be pushed on to revenge, in proportion to the greatness of the injury, and the dangers of his country in his person, you would not, by heavens! be at liberty to appear in this place. The defence that is now made for him is such, that it can give his enemies no uneasiness, nor any cause to imagine that they are overpowered.

As to what passes within doors, that falls to the management of Cæcilia. You may perceive, my lords, that Messala has undertaken to conduct all the business of the forum and the court; and if age and strength had served him, he himself would have pleaded the cause of Roscius. But because his youth, and modesty, which is the beauty of youth, prevents his speaking, he has entrusted with me this cause, who he knew, for his sake, desired it as a duty. It is by his activity, address, authority, and application, that the life of Roscius has been rescued from the hands of these brokers, and resigned to the justice of this court. And give me leave to say, my lords, it was for nobility like this that the greatest part of our country took arms. This scene was acted to restore to the state those nobles who can do as you see Messala does now; defend the life of the innocent; redress injuries; and choose to show their power, not by destroying, but delivering their neighbour. Should all in that high station behave in this manner, their country would suffer less from them, and they less from envy.

But, my lords, if we cannot prevail upon Chrysogonus to be contented with our estate, but he must have our life too; if, after taking from us all that was our own, he cannot be dissuaded from endeavouring to shut us out from the light which is common to all mankind; if it is not sufficient for him that his avarice is glutted with our estate, unless his cruelty be satiated with our blood; the miserable Roscius, my lords, has but one hope, one shelter, left; which is the same with that of his country; he throws himself upon your experienced charity and mercy. If that still exists, we may yet be saved; but if (which is next to impossible) the cruelty that predominates in this age and country has hardened and inflamed your minds, we have

done. • My lords, better is it to lead a life with the brutes, than be conversant with such inhumanity.

Have you been reserved, have you been chosen for this purpose, to condemn those whom brokers and assassins could not murder? Able generals, when they give battle, use to place troops in the defiles through which the enemy is most likely to fly, that they who escape from the battle may fall into the ambush. These worthy brokers seem, in like manner, to imagine that such men as you sit here to intercept those who escape out of their hands. The gods forbid it, my lords, that this court, which our ancestors intended for the seat of public deliberation, should become a sanctuary for brokers.

Sure, my lords, you are not yet to learn that the whole matter now in dispute is, how to take the children of the proscribed out of the way by any means; and that a precedent for this is sought from your authority, and in the person of Roscius. Is it hard to say who is guilty of this crime, when you now see on the one side, a broker, an enemy, and a murderer, all in the person of our accuser; and on the other side, a son who is stripped of his all, dear to his friends, and on whom it is impossible not only to fix any guilt, but even the suspicion of it? Can you perceive anything here that can affect Roscius, excepting the sale of his father's estate?

But if you have undertaken that; if you offer your assistance to the same work; if you sit on that bench, that the children of those whose estates have been sold may be brought before you; by the immortal gods! you had need to take care that you do not set on foot a new and more inhuman proscription. The senate refused to undertake the former, in which those fell who took up arms, lest the public authority should seem to countenance a proceeding more severe than any known to our ancestors. But unless you discountenance and discourage, by the event of this trial, this proscription, which affects children even in their cradles; look to it; by heavens! you know not to what a pass of misery you may bring your country.

Men of your sense, authority, and power ought to be the chief physicians for those evils that chiefly distress the state.

There is not a man amongst you who is not sensible that the Romans, who were once merciful to their enemies, are at this time extending their cruelty to their countrymen. Away, my lords, with this bane of your country; suffer it no longer to haunt this government; not only as it is in its own nature pernicious, by giving occasion to the cruel murders of so many Romans, but as it has, by the habits of barbarity, eradicated the feelings of compassion from the mildest natures. For when, every hour, we are seeing or hearing of some cruel action, even the gentlest dispositions, by the repeated objects of barbarity, are apt to lose all sense of humanity.

ORATION AGAINST CÆCILIUS.

If any upon your bench, my lords, or in this assembly, should be surprised that I, whose practice during many years, in causes and trials at the bar, has been such as to defend many, but attack none, should all of a sudden change my disposition, and commence accuser, they need but to weigh the motives and reasons of my conduct, to approve of it; and own that this cause falls more naturally to my management than to that of any other man alive.

When I left Sicily, my lords, where I had been quæstor, the inhabitants retained so grateful a remembrance of my conduct, and such a regard for my person, that they thought, while their confidence in many of their ancient patrons was great, for the maintenance of their fortunes, that they also had reason to repose some in me. Now that they are harassed and persecuted, in repeated instances, they publicly and unanimously apply to me to undertake their defence; remonstrating, at the same time, that I should, in that case, only act in consequence of my repeated acknowledgments and promises, when I professed myself so much their friend, as to be ready on every occasion to serve them, when required.

They told me that the time was now come, the time for my defending, not only the interests, but the lives and properties of a whole people; that their towns were rifled of their gods, therefore, to their gods they could have no recourse; that Verres had robbed their most awful shrines of their most venerable images; that whatever could be done by luxury to improve sensuality, by cruelty to heighten pain, by avarice to prompt rapaciousness, or by pride to support insolence, was by this one

prætor, in the course of three years, inflicted upon them. At the same time, begging and entreating me not to disregard their supplications; since, while I am safe, they ought to become suppliants to none. It was, my lords, with reluctance and pain that I found myself reduced to the disagreeable necessity either of abandoning those who expected my relief and assistance, or to be obliged to lay down the part I had ever acted from my youth, which was that of a defender, and to commence accuser. I told them that they might have recourse to Q. Cæcilius, especially as he succeeded me as quæstor of their province. But the very thing which I imagined would extricate me from this difficulty, proved the means of embarrassing me still more; for they would much more readily have agreed to my proposal, had they not known Cæcilius, or had he not been in that office.

Therefore, my lords, I have thought proper to charge myself with a part in which I did not consult my own convenience, but that of my friends: my duty, my engagements, humanity, the examples of many worthy men, the practice of our ancestors, and the laws of my country, required it at my hands. But, my lords, in this action, I have one comfort left, which is, that my pleading is not properly an arraignment, but a defence. For I defend a considerable body of men, a number of cities, and the whole province of Sicily. If, therefore, I am obliged to arraign one man, I conceive that I still act in my former character, since it is with a view to obtain relief and justice for many.

But though this cause I now undertake had not been so weighty, so decisive, and so important; though the Sicilians had not solicited my appearance at this bar, or my connection with them had been so slight as to have excused me; yet should I plead that the duty I owe to my country is the only motive to what I now do, and requires me to exert my utmost in bringing to justice a man infamous for avarice, insolence, and villainy; a man, my lords, whose robberies and crimes, after being known, not only in Sicily, but over all Achaia, Asia, Cilicia, and Pamphylia, are now public, and most infamously

notorious at Rome. Yet who could blame that motive or my conduct?

Immortal gods! can I at this day do my country nobler service? Can I do anything more agreeable to the Roman people, of greater advantage to our most distant friends and allies, or more for the safety of the liberties and properties of mankind in general?

Whole provinces were plundered, harassed, and ruined; and the allies and tributaries of the Roman people apply in the anguish of their misery, not in hopes of redress, but of alleviation to their calamities. They who incline to think that the administration of justice should remain vested in the senate alone, complain of the insufficiency of the accusers; and they who are in a capacity of acting as such, complain of the want of unbiassed decisions. In the meantime, the Roman people, though oppressed by many inconveniences and difficulties, yet demand nothing more earnestly than the revival of the ancient, the venerable, the steady energy of public trials. From the scarcity of tribunals, they have obtained the tribunitial power by their solicitations: from the contempt into which they are fallen, it is found absolutely necessary that another order should be associated with the senate in its judicial capacity; and the infamy and corruption of the judges have reconciled the people to the censorship, an office that formerly appeared so severe, but now, my lords, become popular and agreeable. Amidst these oppressions from the worst of men, amidst the daily complaints of the Roman people, the infamy of their tribunals, and disgust against the whole order, convinced, as I was, that the only remedy which could be applied to these evils, was to put men of integrity and worth into the administration of your government, and at the head of your laws, I own that I endeavoured to give the republic relief in that part where she seemed to be most sensibly affected.

Having thus given my reasons for appearing in this impeachment, I am now obliged to enter into the merits of the cause, that this court may be able to form a judgment of the several pretensions my adversary and I have, which is to appear here

as the accuser. I apprehend, my lords, when an information is laid against extortion and corruption, if any dispute should arise about the person who is the most proper to act as the impeacher, these two things are to be considered: first, who the person is whom the parties aggrieved most desire should be the prosecutor; and secondly, who the person is whom the impeached dreads most in that capacity.

My lords, though I think both these points are extremely clear at present, yet shall I touch upon both; and first, upon that which at present ought to weigh most with you; I mean, the inclinations of those who have been injured, and for whom prosecutions for extortion were appointed. Verres is accused of having for three years plundered the province of Sicily, of ruining the cities, demolishing the houses, and pillaging the temples of the inhabitants. The Sicilians in a body present their complaints, and have recourse to my friendship, which they have long valued, and long experienced. By me they implore protection from you, and from the equity of the Roman laws; they point me out as the redresser of their wrongs, as the avenger of their injuries, as the advocate of their rights, and as the sole manager of this impeachment.

Will you, Cæcilius, affirm one of two things: either that I officiously, and without the importunity of the Sicilians, intruded as a party in this affair; or that the importunity of our best and most faithful allies ought to have no weight in this court? If you dare maintain what Verres, whose enemy you pretend to be, earnestly desires should be believed, that the Sicilians made no application to me, you do a service to the cause of your pretended enemy, against whom, not presumptions alone, but positive proofs, have been brought, from the notoriety that the Sicilians, to a man, demanded an advocate for their rights against his violations.

If you, as his enemy, shall deny this fact (a fact which, though it bears the hardest upon him, he himself dares not deny), beware, my friend, that you push not your enmity with too gentle a hand. Besides, some of the most illustrious men in the city can give evidence of the contrary. I am under no necessity of

naming them all; I shall only appeal to some who are present, and whom, should I be guilty of a falsehood, I should by no means wish to be witnesses of my impudence. I appeal to Caius Marcellus, who sits on the bench, and to Cn. Lentulus Marcellinus, whom I see in court; two persons upon whose friendship and patronage the Sicilians have a great dependence, the whole province of Sicily being devoted to the name of the Marcelli.

They know that I was not barely solicited, but entreated with so much earnestness, in so many repeated instances, that I must either have undertaken this cause, or have shamefully rejected the ties of our relation. But why do I bring witnesses to this fact, as if it were doubtful or obscure? Men, my lords, of the greatest quality in the whole province, are present, ready to petition, ready to conjure you, that, in naming the manager of this impeachment, your sentiments may be agreeable to their own. Commissioners appear from every city in Sicily, except two; and if they were present, two very notorious crimes, in which these cities were accomplices with Verres, might receive some alleviation. But why apply they chiefly to me for protection? Were there any doubt upon this head, or were the fact questionable, I could clear the reason up. But as it is a case so evident, that you can judge of it from what you see, I know no reason why an objection from my being chosen preferable to any other, ought to affect me.

But, my lords, I am not to account for the reasons that might determine them to apply to me: I am not to arrogate anything to myself on account of my abilities; nor am I willing that any one should in the least imagine me to be superior to other pleaders. The case is far otherwise: but a measure of this nature ought to be determined by the circumstances, the health, and the abilities of the agents employed. My sentiments and inclinations were always for employing one of those who are better qualified than myself; but myself rather than none.

Therefore, as it is self-evident that the Sicilians applied to me, let me proceed to inquire whether this ought to be of importance sufficient to engage your thoughts, and to fix your

attention; whether the claims of your petitioners, the allies of the Roman people, ought to be admitted, and have their due weight in an accusation of bribery and corruption. But why should I multiply words? Is it not evident that the whole system of laws upon this head was formed on account of our allies?

When one Roman citizen defrauds another, the latter has his relief in a civil action, and the laws of his country. But this law is social, it is a right peculiar to foreigners; this is the fort to which they can retreat; and though I own that some of its outworks have been lately demolished, yet, if there is the least hope remaining to cheer the hearts of our allies, it must proceed from that law: a law for which not only the Roman people, but the remotest nations, require the most jealous guardians.

Who then will deny that a law ought to take its course according to the discretion of those people for whom it was enacted? Could Sicily be supposed to speak, she would say, "You, Verres, have robbed, you have plundered me of all the gold, the silver, and ornaments contained in my cities, my houses, or my temples; and of every privilege I enjoyed by indulgence from the senate, or by right from the people of Rome: and in their name I demand of you by law, an account of almost a million of money." I say, had that whole province one tongue, this would be her language; but, as that is impossible, she has chosen the person whom she thought most proper to manage this impeachment.

Ought any man, in such an event, to be so presumptuous, or officious, as to thrust himself forward, and, in opposition to those who are immediately interested, offer himself as the advocate of their rights? Should the Sicilians say to Cæcilius, "We are unacquainted with your person, your character, and your country; suffer us, therefore, to commit our fortunes to the management of the person whose integrity we have experienced?" Would not every man think this very reasonable? But now they flatly say this, that they know both; that they commit their interests into the hands of the one, and will have nothing to do with the other.

The reasons for their refusal, were they not expressed, might be easily understood. But they do express them. Shall you then thrust yourself forcibly upon them? Will you speak in a cause in which you have no concern? Shall you defend them who choose to be abandoned by all, rather than be defended by you? You assist them! When they know that self-interest deprives you of the inclination; and that, though you had the inclination, you are destitute of the power to serve them. Why should you endeavour to wrest from them the small hope of the remains of their fortune, which they have now ventured upon the equity of the law, and impartiality of their judges? Why should you interpose against the express inclinations of the parties for whose relief this law was calculated? Why should you endeavour to strip the persons, to whom you were obnoxious when in that province, of their all? Why would you deprive them of the power, not only of prosecuting their rights, but of deploring their miseries? Were you the prosecutor, sir, show me the man among them who would give his evidence. Are you not conscious their principal view is, not that another should be punished through your means, but that you yourself should be punished through the means of another?

This point, therefore, I conceive to be clear, that the Sicilians desire to have me for their sole manager; and can the other head I lay down be doubtful? I mean, who the person is whom Verres most dreads in the capacity of his accuser. Did ever man more openly solicit honours; did ever man more earnestly struggle for life, than Verres and his friends do, that I should not be trusted in this affair? Verres imagines that I have many things to recommend me, of which he knows, Cæcilius, you are destitute. But these, and the manner in which they exist in us both, I shall soon lay open.

One thing I will now affirm, and to it I must have your silent assent, that there is nothing in me which the impeached can condemn, and nothing in you which he can dread. Therefore does his champion and friend Hortensius give his voice for you in opposition to me; he openly solicits the judges to give you the preference, declaring that he acts without design, without

passion, and without prejudice. "I do not (says he) solicit the judges, as I was wont to do with success, when I applied my most persuasive arguments, that a criminal should be acquitted. No, I do not; all I solicit now is, that this man shall have the preference to the other as the accuser. Grant me but this, grant me a thing which you may do with ease, with honesty, with reputation; and, when you yield to this, you yield, at the same time, that the person whose interest I espouse, shall, without any danger, without any infamy to yourselves, be acquitted."

But he proceeds further, and strengthens his interest by threatenings; he tells them that there are certain judges in court, who he could wish were to see the suffrages; that this was very easy, for the judges do not deliver in their votes singly, but promiscuously; that every judge should have a tablet lined with legitimate wax, and not in a certain infamous, villainous manner. All these solicitations are not really so much on account of the person of Verres, as because he is entirely dissatisfied with the whole proceeding. For he is sensible, if the practice of impeachments shall be transferred from boys of quality, whom he has hitherto baffled, and from pettifoggers, whom he has always justly contemned and undervalued, into the hands of men of courage and reputation, that he can then no longer dictate to the courts.

But I must acquaint this gentleman beforehand, if it is your pleasure that I should manage this impeachment, that he must change his whole method of defending, and yet alter it in such a manner, as to be more for his interest and reputation than perhaps he desires. Let him then imitate Lucius Crassus and Marcus Antonius, whom he knew at the height of reputation, and who thought that the interests of their clients were to be supported in court only by honesty and eloquence. If I am the impeacher, it shall go hard if he shall not have reason to think that, should this court be corrupted, it is at the great peril of many.

In this cause, my lords, the Sicilians are but accessories; the Romans are principals. The Sicilians require that I should

crush one villain; but the Romans demand that every species of villainy itself should be exterminated and abolished. How great my abilities or success may be, I choose that others should imagine, rather than I express.

But, Cæcilius, where are your abilities? At what time, or in what cause, have you given either a proof of them to others, or even made trial of them yourself? Do you seriously reflect upon the difficulties of managing a public impeachment; in laying open the whole course of another's life; and of fixing it not only in the minds of the judges, but painting it to the eyes and imagination of all? Of pleading for the safety of our allies; for the rights of provinces; the force of laws, and the dignity of justice? Unpractised in pleading, as you have hitherto been, learn from me how many qualifications must meet in the man who impeaches another; and if you are conscious you possess any one of them, I, for my part, will yield the cause with pleasure.

First then, integrity and unspotted innocence; for nothing can be more absurd than that a man should impeach the morals of another, and yet be unable to vindicate his own. But I will make no particular application of this to you. One thing I believe is evident, that the Sicilians are the only people who have had the opportunity of proving you; and these, to a man, declare that, exasperated as they are at Verres, were you to be his accuser, not one of them would be present at his trial. The reason of this refusal I shall not unfold; but it is plain they suspect you to be deficient in some one essential qualification of a prosecutor. Perhaps, as they are a suspicious, shrewd set of men, they do not imagine that you would be very forward in bringing from Sicily credentials against Verres. For as the transactions of his prætorship and your quaestorship are filed in the same registers, they suspect that you incline to secrete them.

In the next place, a prosecutor ought to have a determined resolution and an honest intention; and though I were to think you desired to be such a one, yet I can easily perceive that to be impossible. Nor do I mention those circumstances, which,

if I were to do, you could not deny; such as that, before you left Sicily, you were reconciled to Verres; that Potamó, your secretary and companion, remained with Verres in the province when you departed; that Marcus Cæcilius, your brother, a youth of great accomplishments and merit, was not only not present, and not assisting in prosecuting your injuries, but that he lived in familiarity and friendship with Verres. There are likewise a great many other presumptions of your confederacy with the impeached in this prosecution, which I shall omit at present, and only observe that were you never so sincere, yet you are not a real prosecutor. For I perceive a great many crimes in which your guilt is so complicated with that of Verres, that you would not dare to touch upon them in your impeachment.

All Sicily complains that Verres, when he had ordered his granaries to be filled, and corn was at two sesterces the bushel, extorted money of the farmers at the rate of twelve. This abuse was enormous; the extortion, unconscionable; the robbery, barefaced; the injury, intolerable. Were this his only crime, I must needs condemn him.

Cæcilius, how do you intend to proceed? Will you make this an article of your prosecution or not? If you lay it in your impeachment, do you not charge another with a crime of which you yourself were guilty at the same time, and in the same province? Will you venture to accuse another in such a manner as that you cannot help bringing yourself in guilty with the same breath? If you overlook it, of what nature must that impeachment be, which for fear of your personal danger avoids even the very mention of a notorious, an infamous fact?

By order of the senate, a quantity of corn was bought from the Sicilians during the prætorship of Verres, and they never received complete payment; this is a material point against Verres, if urged by me; but insignificant, if by you. For you were then quæstor, and had the fingering of the public money; in which event, though the prætor had demanded it, it was in a great measure in your power to prevent any abatement. This is another article of accusation, which, if this impeachment were managed by you, must be stifled. Even his greatest, his

most notorious frauds and insolence must pass unnoted in the trial. Believe me, Cæcilius, that a confederate with the person who is impeached, is an improper hand to manage a trial which is to procure satisfaction for our injured allies.

The farmers of the revenue extorted money from the cities instead of corn; was this an imposition peculiar to the prætorship of Verres? No; it obtained likewise under the quæstorship of Cæcilius. How then can you charge him with a crime, which you both could and ought to have prevented? Will you stifle the whole of that article? Then Verres shall hear nothing in his trial of what, while he was committing it, he knew he could not defend.

But all the facts I have mentioned are flagrant and notorious; there are others more scandalous, of a secret nature; in which Verres, in order, I suppose, to allay the warmth and violence of Cæcilius, generously shared with his quæstor. You are conscious that I am informed of all these. If I was minded to expose them, I could convince all the world that you not only was confederate in his guilt, but that some part of your plunder remains yet to be divided. Therefore, if you, Cæcilius, demand to be admitted an evidence as to these dark transactions, I shall not oppose it, if the laws admit you; but the impeachment you must leave to those who are prevented by no stains in their own character from exposing and detecting them in another.

Now consider what a difference there must be between my management of this impeachment and yours. I bring into my charge against Verres crimes committed by you without his knowledge, and wherein he had no concern; because, though he had the supreme command, yet he did not prevent them; you will charge him with facts of which he is innocent, lest some part of your confederacy with him should be detected. How, sir, do you answer this? Are facts indispensably material in so important a trial to be slurred over? Show me your abilities for managing the prosecution; show me your practice in pleading; show me that you have either capacity or experience as a manager, as an orator, or as a lawyer.

I know what a rugged, what a difficult path I tread; for all arrogance is disgusting; but that on account of wit and parts is most so; therefore, I neither will, nor can, say much in favour of mine; it is enough for me that I have reputation. How slender soever it is, matters not; nothing I shall say of myself can raise it.

As for you, sir, I will drop this affair, and treat you not as a rival, but a friend. Consult then your own breast seriously; recollect yourself; reflect upon what you are, and upon what you can do. Do you imagine that you are equal to the importance and difficulty of supporting the interest of our allies, the fortunes of a province, the rights of the Roman people, the majesty of the laws, and the dignity of the legislature? Do you imagine that you have eloquence to plead, memory to retain, wisdom to direct, and capacity to comprehend, the extensive and complicated points that must arise in this prosecution? Do you imagine that you can distinctly point out every transaction of Verres, as quæstor, as commissioner, as prætor, at Rome, in Italy, in Achaia, in Asia, and Pamphylia, ranging them in your pleading under proper heads as to time and place? Do you think you are equal to what is indispensably necessary in cases of this nature; that is, to represent the effects of the lust, avarice, and cruelty of the criminal, so as to make them as detestable to those who hear them, as they were to the unhappy objects who felt them?

Believe me, sir, these are things of great importance, and by no means to be overlooked. Every circumstance must be laid down, proved, and explained. The charge must not only be opened, but enforced with great dignity and command of expression; and if you expect to succeed, it is not enough that you are barely heard; you must convince the reason, you must move the passions of mankind. Though you were indebted to nature for many qualifications; though in your youth you had learned, and in your manhood had improved upon, every art and every science; though you had read Greek at Athens instead of Lilybæum, and Latin in Rome instead of Sicily; it would, however, be a prodigious effort of genius, if you could

compass, by application, an affair of so great importance and expectation, comprehend it in your memory, explain it by your eloquence, and recommend it by the beauty of a fine voice and spirited action.

You will perhaps say, then it seems all these qualities meet in you ! I wish they did. However, I have earnestly endeavoured from my childhood to attain them. But if, by reason of their weight and difficulty, I, who have made it my sole business all my life, have been unable to succeed, how must you be at a loss, who not only never thought of them before, but now that you are embarked in them, are ignorant both of their nature and importance ?

I have had (and I appeal for the truth of what I say to all present) so much practice in pleadings and trials, that few or none of my cotemporaries, of equal years, have appeared in more causes; I have dedicated every hour I could spare from the duties of friendship to render myself completely master of these studies, and to acquire a habitude of pleading, and a readiness of expression; yet, may Heaven never be propitious to me, if, as often as I reflect upon the day when I am to appear at the bar on the behalf of the impeached, I do not feel, not only great depression of spirits, but a trembling in every limb.

I now figure in my own mind the sentiments and consultations of the public; to what a pitch the importance of this trial will raise their expectations; what a numerous assembly the infamy of Verres will summon together on this occasion; and, in short, what an attention my recital of his villainies will beget. The reflection on all this throws me at this instant into the greatest consternation, to think how I shall deliver myself with a dignity suitable to the importance of the occasion, the expectations of the public, or the injuries of those whom oppression has rendered his enemies.

These, sir, are considerations that give you no concern, awaken no apprehension, occasion no distress; if you can learn by rote, from some antiquated oration, "I protest, my lords," or, "My lords, I humbly apprehend," or some such common-place

expressions, you imagine you come completely prepared for a trial; but even were you to meet with no opposition, I conceive you are incapable of stating the nature of a cause.

You do not even reflect that you are to enter the lists with a man of eloquence, and one who is every way prepared for his defence; one with whom you must go through the use of every weapon of oratory, and employ every art, sometimes to move the passions, sometimes to convince the understanding; one whose capacity I praise without dreading, and whose eloquence I commend, without thinking it can impose upon my judgment, though it charms me to attention. His measures shall never disconcert, his arts shall never pervert me; nay, he never will attempt to shake or weaken my resolution by his abilities; for I know every turn, every quirk of the gentleman's pleading; often have we been on a contrary, often on the same side. While he pleads against me, he shall be convinced, his abilities, great as they are, shall be put to some trial in the competition.

As for you, Cæcilius, I imagine that I can foresee in what manner he would amuse and puzzle you in every argument. When he shall bring you into a dilemma, and leave you either to admit or deny the fact; agree or object to a proposition, whatever side you take, you shall still find it make against you. Immortal gods! what confusion! what perplexity! what doubts must the good man fall into, when his antagonist shall begin to digest the different heads of his accusation, and to arrange upon his fingers the principal points of his own defence! How must you be staggered, when your adversary shall ply you with his proofs, his definitions, and divisions! how will you then begin to suspect that you have been persecuting an innocent person! How will you look, when he shall begin to commiserate, to extenuate, and to throw upon you some part of the public odium that now lies heavy on Verres! when he shall mention the relation between the offices of quæstor and prætor; the practice of our ancestors, the awful award of the provincial lot. Are you equal to that load of reproach? Consider, reflect again and again; for to me there appears great danger not only of his confounding you with his pleading, but of his juggling you out

of your very senses by his action, and thus driving you from every purpose, from every resolution you had formed.

But I perceive we are soon to have a trial of your abilities, by your attempts to answer what I have now advanced. If you do that to purpose; if you deviate into one word of sense not contained in that book, which some schoolmaster has vamped up from pilfered pleadings, and put into your hands; I shall then be inclined to admit that you may not be quite so unequal to this trial, and that it is possible you may acquit yourself tolerably well as the prosecutor of Verres. But if in this prelude with me, you shall be found to be nobody, how can we imagine you will acquit yourself against a keen adversary in the engagement itself?

But, admitting that this Cæcilius is nobody, that he can do nothing, yet he comes prepared with skilful, expert solicitors. This, indeed, is something, but not all; for, in all cases, the person who is to make the principal figure ought of himself to be both eloquent and very ready. Yet I perceive that Lucius Apuleius is his first solicitor; a man, not a novice in life, but so in the business, and in the practice of the forum.

His next solicitor, I think, is Allienus, and him he has taken from the forms. What qualifications he may have in speaking I never was at the pains to inquire; but his strength and lungs seem to fit him for bawling. In him are all your hopes; he, were you appointed the prosecutor, would manage the whole trial; and yet he, in pleading, will not exert his utmost abilities, but consult the decency proper to your character, by checking some part of his eloquence, that he may not lessen your consequence. Thus we have known the Greek actors, who were to play inferior characters, and had advantages in action over those who were to have the first, conceal a good deal of their art, that the principal parts might appear with greater propriety. Such shall be the conduct of Allienus; he will act an under part to you; he will set off all your charms; nay, to serve you, he will sink some part of his rhetorical faculties.

Therefore, my lords, consider what prosecutors we are to have in this great trial; since Allienus himself is about to suppress

some part of his talents, if he has any; and Cæcilius hopes to appear considerable only, if Allienus appear less zealous, and leave him to act in the principal character. Who is to act the fourth character in this farce, I know not. Perhaps some one of those pettifoggers who solicit employment under the prosecutor; no matter to them who he is, Cæcilius or Tully.

Yet these are the gentlemen who, though they are but guests and strangers themselves, have furnished you with an elegant entertainment for the public. I shall not do them the honour to take particular notice of what each of them shall advance in his turn. By this short method, since I mentioned them with no design, but by chance, as they fell in my way, I shall please them all. But do you imagine that I am so destitute of friends as to be obliged to accept of a solicitor, not from amongst those who now attend me, but from the dregs of the people? And are you so destitute of clients as to endeavour to wrest this prosecution out of my hands, rather than inquire after some criminal client of your own rank from the Mænian column?

Let me, says he, be a spy upon Tully. A spy, sir! How many must I be obliged to keep in pay, should you find access to my cabinet? It is not your tongue only, but your fingers must also be watched. My opinion of all this race of spies is, in one word, that such men as this court is composed of, will never force a spy upon me in a cause undertaken by, and intrusted to me. For my honesty disdains a spy, and my diligence daunts an informer.

But to return to you, Cæcilius: you certainly must be sensible under how many defects you labour. You know also how many qualifications you have to recommend you to the criminal as an accuser. What answer can be made to this objection? I do not ask what answer you can make; for it is not from you, but from the book which your prompter holds in his hand, that we are to expect an answer; but if he gives you seasonable hints, he will advise you to be gone from this place, without attempting to answer me one word. For what can you allege but the threadbare story that Verres has injured you? I grant he did; because it is highly improbable that you should be the

only person of the whole province of Sicily, unaffected by the injuries of Verres.

But your countrymen have found an avenger of their wrongs. You, while you vainly endeavour to obtain satisfaction for the injuries you suffered, labour that those he inflicted on others should pass with impunity, and unrevenged; nor do you perceive that it is not the right only, but power to punish, that is to be considered. Where both these meet in one person, he is certainly the man; but where the competition lies between two, who each possess only one of these recommendations, the choice naturally falls on him who has most power, in preference to him who is best disposed.

But if you are of opinion that he who has received the greatest wrong has the best right to carry on the prosecution, do you imagine that these judges will resent the wrongs done to your single person, equally with those inflicted on an oppressed and plundered province? I believe you yourself will allow that these are vastly more flagrant, and more apt to rouse resentment in every breast. Suffer then a whole province to have the preference to you in this prosecution; for the whole province accuses, when the person whom the inhabitants have chosen as the assertor of their properties, the avenger of their wrongs, and the advocate of their rights, is the manager of the impeachment.

But you urge that Verres has done you an injury sufficient in its own nature to interest others in your quarrel. This I deny; and I think it is very material that the nature of the injury, as well as the grounds of your resentment, should be explained. Then, my lords, learn it of me: he, alas! is incorrigibly stupid; and you can never learn it of him. There was at Lilybæum a lady named Agonis, enfranchised from the service of Venus Erycina; and before his quaestorship, she lived in ease and plenty. One of Antony's officers violently carried off some of her musical band, under a pretence that he was to employ them on board the fleet. The lady then, as is common to all who attend, or are enfranchised from the service of Venus in Sicily, urged to the captain the awful authority of the goddess, and that she and all her estate were her property. When this was

told to the virtuous, disinterested Cæcilius, he ordered Agonis to be summoned before him, and instantly caused it to be tried whether she had said that her person and estate belonged to Venus. The delegates immediately, as they were obliged to do, because no one disputed the fact, gave their verdict that the lady had said so. The quæstor, upon this, puts the plaintiff into possession of her fortune; adjudges her to be the slave of Venus; then sells her estate, and puts the money into his own pocket. Thus, while Agonis wanted to preserve a few slaves under the sanction and service of Venus, the injustice of this man stripped her of her fortune and liberty. Verres afterwards comes to Lilybæum, takes cognizance of the fact, reverses the decree, and obliges the quæstor to refund to the lady all the money which arose from the sale of her estate. I see you are surprised; but he was not then a Verres, but a Mutius. For what could he have done more amiable in the eyes of mankind, more equitable with respect to the lady, or more vigorous against the corruption of his quæstor? These, to me, are all amiable qualifications; but Verres, all of a sudden, and on the spot, as if he had tasted an enchanted cup, sinks into a true Verres. He gives way to nature and education, he sweeps a large share of that money into his own pocket, and returns to the lady such a pittance as he thought proper.

Here, if you say that you suffered by Verres, I admit it; but if that you were wronged by him, I dispute, and must deny. In the next place, none of us have any call to prosecute this injury with more keenness than yourself, who pretend to be the sufferer. If you afterwards came into his good graces, if he sometimes supped with you, and you with him, whether do you choose to be thought a rogue or a shuffler? One of them you must be; I will not differ with you about the alternative, you are free to take your choice.

But if not the least proof of the injury you allege can be produced, what can you show, what can you plead, why you ought to have the preference, as the accuser, not only to me, but to all mankind, other than, as I hear you are prepared to do, that you was his quæstor? This, indeed, would be a material

circumstance in your favour, were we contending who should most befriend him; but as our present dispute is upon the preference of the right to prosecute, it is ridiculous to pretend that friendship is a good reason for your appearing as his enemy.

Admitting that his wrongs to you had been reiterated, still it was more meritorious to suffer than to revenge them. But, as no action in all his life was more consistent with justice than that which you term an injury, will this court find that this, which, even in an unexceptionable prosecutor, would not be allowed, should be a just ground for your violating the relation you stand in with him? Admitting he has wronged you, heinously wronged you, your impeaching the man under whom you were quæstor is shameful; and, if he has not wronged you, villainous. Therefore, as the wrong you have suffered is by no means evident, must not every judge in court incline that you should depart without blame rather than with infamy?

But see the difference between your way of thinking and mine. You, though inferior in every other respect, imagine that the single circumstance of being his quæstor entitles you to be preferred to me. But I think that, were you better qualified in every other respect, this very circumstance is a just ground of exception. For it is a doctrine transmitted to us from our ancestors, that the prætor is in place of a parent to his quæstor; that no relation can be more binding, more interesting, than a conjunction in office, than the common discharge of a public duty, at the same time, and in the same province.

Therefore, though consistently with law you might prosecute him, yet you cannot, consistently with piety, because of your filial ties. But, as he never did you wrong, if you impeach your prætor, then must you acknowledge that your enmity is, on your part, unjust, and detestable; for the nature of your office, as quæstor, requires this of you, that you should labour to give a reason why you, who was his quæstor, should accuse him, and not that, for that very reason, you ought to have the preference in accusing him. And there is scarcely an instance of a cause of this kind brought by a quæstor, which was not rejected.

Thus Lucius Philo was excluded from prosecuting Caius Servilius; Marcus Aurelius Scaurus, Lucius Flaccus, and Cneius Pompeius, Titus Albutius. Not one of these was excluded on account of insufficiency or immorality, but lest the wanton dissolution of a sacred tie might receive a sanction by the sentence of a court. Yet this very Cneius Pompeius had the same plea against Caius Julius that you now have against me. He had been quæstor to Albutius, as you to Verres. Julius strengthened his plea with this circumstance, that he was solicited by the Sardinians, in the same manner as I am now by the Sicilians, to impeach. This circumstance has always had decisive weight; it was always thought a glorious proof of an accuser's integrity, when, for the allies of Rome, for the good of a province, and the advantage of a distant people, he created enemies to himself; when for them he exposed himself to danger, and interposed with all the abilities, with all the zeal, and with all the application he was master of, in their behalf.

For if an action is justifiable when brought by a man in order to redress the injuries he suffers, in which case he seeks relief not to his country, but to himself, how much more glorious, how much not only more justifiable, but meritorious, is the action brought upon no private injury, but to redress the wrongs and alleviate the anguish of the allies and friends of Rome! Lately, when Lucius Piso (a man of the greatest courage and innocence) moved for an information against Publius Gabinus, he was opposed by Quintus Cæcilius under a pretence that he was prosecuting him upon an old grudge. The cause of Piso was found to be as just and honourable as his person was respectable and amiable, because the Achæans had adopted him their protector.

As, in favour of the allies and friends of Rome, a law was passed relating to extortion, it is unreasonable to suppose that the man whom these friends and allies point out as the manager of their concerns, and the protector of their interest, is not a proper prosecutor in an impeachment founded on that law. Ought not the motives of a prosecutor greatly to increase the weight of his evidence? And should not the man who has the

most honourable motives be presumed to have the most equitable proofs?

Then which of these allegations is the most illustrious and honourable: "I accuse the man to whom I was quæstor, the man with whom I was connected by fate, by the laws of my country, and by every decree of gods and men?" Or, "I impeach, at the instance of my friends and allies, at the request of a whole province, whose rights and properties I defend?" Can a doubt remain, that it is not more honourable to impeach at the request of the people, among whom you was quæstor, than to impeach the man whose quæstor you was?

The best men, in the best ages of Rome, have ever deemed the fairest and most distinguishing part of their character to consist in the redressing the wrongs, and asserting the properties, of strangers, of their own vassals, and of foreign nations, allies, and tributaries of Rome. It is recorded that the virtuous, the wise and illustrious Cato created many powerful enemies on account of the injuries done to the Spaniards, amongst whom he had been, while consul. We all know that Cneius Domitius lately impeached Marcus Silanus, on account of the wrongs inflicted on a single person, one Ægritomarus, the friend and guest of his father.

And, indeed, nothing strikes a greater terror into the guilty than this practice of our ancestors, now repeated and renewed after a long disuse: the complaints of our allies represented to a man of some activity, and their redress undertaken by a person who seems to be able to defend their properties with zeal and honesty.

This is what these gentlemen dread, and therefore oppose. It is a principle they are sorry should ever have been broached, and more sorry still to see it practised. They think that, should this custom insinuate and prevail, law and equity must pass through the hands of men of virtue and courage, and not of beardless boys and pettifoggers, such as these.

Our fathers and forefathers were not ashamed of this principle, or of this practice, when Publius Lentulus, then the head of the senate, with Caius Rutilius Rufus, his solicitor, accused Marcus

Aquilius; or when Publius Africanus, a man the most distinguished for virtue, for fortune, for military glory and success, after he had been consul twice, and censor, impeached L. Cotta. Rome had then a right to glory and prosperity: the honour of this empire, the majesty of this city, had then a claim to respect and reverence. No man then wondered at those things in the great Africanus which now surprise my enemies in me, a man of narrow circumstances and of slender capacity.

“What does he mean?” say they. “Can the man who has still been accustomed to defend, hope to succeed in impeaching, especially at an age when he is standing for the ædileship?” But I think it a glory not only at my years, but at a much more advanced time of life, to impeach the wicked, and to relieve the oppressed and afflicted. And, indeed, it either is a remedy for a languishing and almost incurable state of government, corrupted and contaminated by the infectious vices of a few, that men of honesty, integrity, and application, should take upon them the direction, and vindicate the honour, of law and equity. Or, if this is ineffectual, the disease is too far advanced to admit of a remedy.

Nothing gives greater strength to government than that an impeacher should be as tender of his own reputation, honour, and fame, as the impeached is solicitous about his life and property. Therefore, persons the most jealous of their own characters, have still proved the most keen and active prosecutors of others. Thus, my lords, you ought to think that Quintus Cæcilius, a man of little or no consideration, from whom very little is expected upon this trial, who has very little reputation to lose now, and but little hopes of gaining any hereafter, will not manage this impeachment with the severity, the accuracy, and the diligence, it requires; for if he should fail, he has nothing to lose: if he is shamefully and scandalously foiled, yet still will he retain all his native and acquired honours.

Of me my country has many pledges; pledges which I am called upon by every tie to preserve, to defend, to confirm, and to redeem. She has the honour for which I am now candidate; she has that hope which gilds the future prospect of my life;

she has a reputation earned by my sweat, my watchings, and my toils. If I acquit myself honestly and diligently in this trial, then shall they be retained safe and unblasted by my country; but should I trip, should I fail in the least circumstance, then must one minute cancel the laborious and gradual acquisitions of a whole life.

Therefore, my lords, it remains for you to pitch upon the man whose honesty, diligence, wisdom, and authority are most likely to answer the great and important ends of this prosecution. Should you prefer Cæcilius, I should think it no derogation to my honour; but take care lest the people of Rome should think that this prosecution, so just, strict, and painful, was neither agreeable to you nor to those of your order.

FIRST ORATION AGAINST CATILINE.

How far wilt thou, O Catiline! abuse our patience? How long shall thy madness outbrave our justice? To what extremities art thou resolved to push thy unbridled insolence of guilt? Canst thou behold the nocturnal arms that watch the Palatium, the guards of the city, the consternation of the citizens; all the wise and worthy crowding for consultation; this impregnable situation of the seat of the senate, and the reproachful looks of the fathers of Rome; canst thou, I say, behold all this, and yet remain undaunted and unabashed? Art thou insensible thy measures are detected? Art thou insensible that this senate, now thoroughly informed, comprehends the whole extent of thy guilt? Point me out the senator ignorant of thy practices during the last and the preceding night; of the place where you met, the company you summoned, and the crime you concerted. The senate is conscious; the consul is witness to this: yet, mean and degenerate! the traitor lives. Lives! did I say? He mixes with this senate; he shares in our counsels: with a steady eye he surveys us; he anticipates his guilt; he enjoys the murderous thought, and coolly marks us out to bleed. Yet we, boldly passive in our country's cause, think we act like Romans, if we can escape his frantic rage.

Long since, O Catiline! ought the consul to have doomed thy life a forfeit to thy country, and to have directed upon thy own head the plagues and pains thou hast been long meditating for ours. Could the noble Scipio, when sovereign pontiff, as a private Roman, kill Tiberius Gracchus for a slight encroachment upon the rights of his country; and shall we, her consuls, with

persevering patience, bear with Catiline, whose ambition is to desolate a devoted world with fire and sword? Not to mention that antiquated instance, when Servilius Ahala, with his own hand, punished Spurius Melius with death, who meditated an alteration in the constitution; there was, there *was* a time when such was the spirit of Rome, that the resentment of her gallant sons more severely crushed the Roman traitor than the most inveterate enemy. Strong and weighty, O Catiline! is the decree of the senate we can now produce against you: neither wisdom is wanting in this state, nor authority in this assembly; but we (let me here take shame to myself), we, the consuls, are wanting in our duty.

When the senate once decreed that the consul Opimius "should take care that the commonwealth might receive no detriment," not a night passed before his jealous justice put Caius Gracchus to death, suspected of sedition, though descended of a father, a grandfather, and a family all eminent for their services to Rome; and Marcus Fulvius, a consular, with his children, underwent the same fate. When, by a like decree, the government was put into the hands of the consuls, Caius Marius and Lucius Valerius, did one day intervene before Lucius Saturninus, the tribune of the people, and Caius Servilius, the prætor, satisfied by their blood the justice of their country? Yet for these twenty days have we suffered the edge of this assembly's decision, keen as it is, to remain inactive in our hands. For we have a like decree, but it rests upon our records like a sword in its scabbard; yet this, O Catiline! is a decree that ought in course to have given you up to immediate death. Yet you live; you live, not to lay aside, but to swell, your audacious guilt.

Mercy, conscript fathers, is my delight; but never, in the hour of danger to my country, may that mercy degenerate into weakness. Yet even now my conscience tells me that I have been remiss and negligent. Within Italy, upon the very borders of Tuscany, a camp is pitched against the republic. The numbers of the enemy daily increase; but the captain of that camp, the leader of those enemies, we behold within our walls, nay, amidst

this assembly, daily working up some home-bred calamity for Rome. Should I now at this instant, Catiline, command thee to be seized, to be dragged to death, the censure which I am afraid I have to dread from every good man, would be, not that I acted with too much severity, but with too much slowness. Yet this necessary piece of justice, though long required, a certain reason prevails upon me still to delay. Thou shalt suffer death, trust me thou shalt; but at a time when there cannot be found a man on earth so much a traitor, so much a villain, so much a Catiline, as not to applaud the justice of the stroke. Thou shalt live while there breathes a man who dares to defend thee; but thou shalt live, as thou livest now, beset by my numerous, my trusty guards; so that thou shalt not have the power so much as to move against the state; for many shall be the eyes, and many the ears, which, unperceived by thee, as they have hitherto been, shall watch thy motions, and observe thy actions.

But, Catiline, what hast thou now to trust to? If neither the gloom of night can conceal your lawless assemblies, nor the walls of a private dwelling prevent thy treason from lifting up its voice; if every word is heard, if every circumstance bursts into discovery; put off, put off, that hardened sense; for once wipe from thy mind the thoughts of fire and murder. You are on all hands beset; your practices are clear as the sun at noon, as you shall own from the detail I am now to make. You may remember that on the twenty-first of October last, I foretold in the senate that on a certain day, before the twenty-fifth, Caius Manlius, the confederate and creature of your guilt, would appear in arms. Was I deceived, Catiline, in my conjectures upon this enormous, this detestable, this unparalleled attempt? But what is more remarkable, did I not point out the precise day? I likewise foretold in the senate that you had fixed the massacre of our nobles for the twenty-eighth; a time when many of our greatest men left Rome, not influenced by a selfish sense of their own safety, but by the patriot resolution to live, that they might crush your treasons. Can you deny that on that very day you was so beset by my vigilance, by my guards, that to

attempt aught against the state was out of your power? Though you boasted that the blood of us who remained in Rome would be sufficient atonement for the escape of the others. But how! when, favoured by darkness you attempted to surprise Præneste upon the 1st of November, didst thou not perceive that colony to be fortified by my orders, by my officers, my guards, and my garrison? The words of your mouth, the actions of your hands, and the meditations of your heart, are familiar to my ears, present to my eye, and plain to my understanding.

Recollect now the transactions of last night, while I recount them, and force you to acknowledge that I am more vigilant in my cares to preserve, than you in your plots to destroy, this republic. I affirm that last night you met your confederate assassins (let me speak it aloud and plain) at the house of Marcus Læca, in the street of the armourers: I affirm that then, and there, numbers of your associates in madness and guilt were assembled. You do not dare to deny this: you own it by your silence. Did you not, I could prove it; for I have now in my eye some in this very assembly who were present at your consultation.

Immortal gods! in what air do we breathe! in what a city do we live! of what a state are we members! Here, here, conscript fathers, within these walls, and in this assembly, this assembly, the most awful, the most venerable the sun beholds, are men who meditate my death, and your destruction; who meditate the ruin of this city, and consequently of the world. Their persons I can now point out; their opinions I am now to ask; and instead of shedding their blood, I spare their reputation. That night, therefore, Catiline, you was at the house of Læca; you cantoned all Italy out; you appointed the station to which every one was to repair; you singled out those whom you in person was to head, and those who were to stay in Rome; you pointed out the parts of the city which the flames were first to catch; and declared that you yourself would go forth, but that you would tarry awhile, because I was still alive. Two Roman knights, then, to ease you of this disquiet, undertook with their own

hands, before they slept, and ere the day should dawn, to despatch me upon my humble couch.

Scarce was your assembly dissolved, before I learned all this. I doubled the guards of my house; I increased the retinue of my person; to those whom you sent to compliment me in the morning, I refused admittance, having declared beforehand to many great, to many worthy men, by whom, and at what hour, these compliments were to be paid.

Since such, O Catiline! is the situation of your affairs, finish what you have planned; for once march out of the city; her gates are open, they invite you to be gone; too long has the camp of Manlius mourned the absence of their leader. Carry along all your accomplices, at least as many as possible; let Rome disgorge her impurities. From mighty fears will you deliver me, should a wall divide us. No longer shall you tarry with us. I will not suffer, I will not endure, I will not bear you here.

Great are the thanks we owe to the eternal gods! and chief to thee, O Jove, the stay! thou most ancient guardian of Rome; that you have enabled us so often to escape this dreadful, this dangerous, this detestable scourge of his country; and surely, for one man, the supreme safety of the republic should not be exposed to repeated dangers.

Before, Catiline, I entered upon the executive part of my consulate, I sheltered myself from thy treacherous attempts, not by a public guard, but by my private vigilance. During the last election of consuls, when you endeavoured to murder me, the consul, in the field, with the candidates who opposed you, supported by the affections and swords of my friends, without violation of the public peace, I baffled your impious attack. Afterwards, as often as you attempted my life, I singly opposed your fury, though well I knew that my death was linked with mighty calamities to Rome; but on this occasion, you avowedly attempt to destroy the very existence of this government; you doom to destruction and desolation the temples of the immortal gods, the mansions of Rome, the lives of her citizens, and the inhabitants of all Italy. Therefore, as I dare not now pursue

the maxims which distinguished our government, which characterised our fathers, I will pursue a measure in its execution less severe to the criminal, but in its consequences more useful to the public; for should I pronounce your death, the dregs of your conspiracy must still lurk in the body of the republic. But would you, as I have often advised you, leave the city, she will then at once disgorge the baneful, the contagious impurity of your whole faction. How, Catiline! do you hesitate at doing by my commands, what a little before you were doing of your own accord? The consul orders an enemy to withdraw from the city. Is this, then, say you, a formal banishment? No, sir, this is not your doom; but, might I advise you, it ought to be your choice.

What is there, Catiline, that can give thee joy within this city? Wherein, if I except the execrable cabal of your own ruffians, there is not a man to whom you are not the object both of fear and detestation. Is there a domestic stain with which thy character has not been branded? Is there any infamy in private life which does not attach to thy person? Where is the lust that has not allured thine eye, the guilt that has not defiled thy hands, or the pollution that has not stained thy body? Among all the heedless youths inveigled by thy wanton dalliances, is there one whose insolence has not been supported by thy sword, and whose lusts have not been provoked by thy incentives?

But why do I talk? Even lately, after your former wife died, when, on taking another, you despatched out of your house all that you thought might check your enormities, did you not heighten even that crime with a new and unparalleled measure of guilt? But I will draw a veil over this; for me it shall rest in silence. Never through me shall it be known that there lived in Rome a man so exquisitely, so monstrously wicked, yet lived with impunity. I shall not mention that impending ruin of all your fortunes, that by the next Ides you are sensible must crush you. Let me now proceed to what has no relation to your personal infamy in vice, to your domestic shame, or your reduced circumstances; but to what immediately concerns the

most important interest of our country, to all that is dear to us and to every true Roman!

Can you, O Catiline! enjoy the light of life, can you with pleasure breathe this vital air, when you are conscious there is not a man present who is ignorant that on the last day of December, under the consulate of Lepidus and Tullus, you stood with a weapon in the comitium; that you got together a ruffian band, which was to assassinate the consuls and the greatest men of this city; that this execrable, this frantic attempt was disappointed, not by any reverence, not by any remorse that struck you, but by the guardian genius of Rome. These I omit, they are already but too well known; others are of a later date. How often did you attempt to murder me when I was elected? How often, when I was raised to the consulate, how often, how artfully, how narrowly, if I may say it, did I parry the thrusts which you knew so well to throw in, that each appeared mortal? There is nothing you do, there is nothing you design, there is nothing you contrive, that I am not informed of before it is too late. Yet still are you restless, still forming new enterprises. How often has that poniard been wrested out of thy hands! How often by some accident has it dropped ineffectual to the ground! Yet can you not lay it for any time aside! By what infernal, what unhallowed rites has it been devoted and destined that you are thus religiously resolved to lodge it in the bosom of a consul?

In what a situation must you now be? I speak to you now, not in the spirit of deserved detestation, but of unmerited compassion. Some time ago you came into the senate; but of all this full, this frequent assembly, of all your numerous friends and relations, show me the man who saluted you. If this is a case unprecedented in the memory of man, need I to embitter this dreadful doom of silent detestation with the keenness of reproach? What! when these benches were left empty? What! when every man of consular dignity, whom you so often marked out to bleed, as soon as you took your place, left the quarter where you sat bare and solitary? Will not all this drive you to despair? By heavens, if my slaves should have a dread of me,

for the same reasons as every one of your countrymen has for you, I should think it proper to abandon my own house. Shall you then presume to remain in this city? Were my person equally obnoxious, equally odious to my countrymen, I would choose rather to fly from their looks, than stand the reproachful glances of every man I meet; and shall you, whose consciousness of guilt convicts you of the justice of universal and long-merited detestation, hesitate a moment in avoiding the looks and company of a people to whose souls, and whose senses, your person is execrable? Should your natural parents dread and hate you, should you find that dread, that hatred invincible, I suppose you would retire from their presence; but now your country, the common parent of us all, hates and dreads you (and long has she been sensible that all your thoughts have been employed on the means of destroying her), shall you then neither be abashed by her authority, submissive to her will, nor daunted by her power?

Hear, O Catiline! the manner in which we may interpret the expressive silence of this parent; hear the words in which we may suppose her to accost you.

"From thee, for these many years, have all offences sprung; without thee, has no crime had a being. Through thee, and through thee alone, the murder of many Romans has been unavenged; and by thee has the oppressive hand that plundered my allies been free and unpunished. Thou hast found the means that justice and law should not only be neglected, but abused and abolished. All this, though they ought not to have been borne, yet did I bear as I could; but now that thy conduct alone strikes terror through my soul, that in every alarm the dreaded name of Catiline first strikes my thoughts, now that thy guilt makes it evident that thou embracest every scheme that is laid for my ruin, now, indeed, art thou become intolerable. Therefore be gone; rid me of my apprehensions: if they are just, I may then avoid ruin; if groundless, at length shall I cease to fear."

Should, as I have supposed, your country thus accost you, ought she not to prevail, even though she could not apply force?

But how! Didst thou not surrender thyself a prisoner? Didst thou not give out that, to avoid suspicion, thou wouldst live in the house of Lepidus? When he refused to receive you, you had the impudence to come even to me, entreating that I would take you into custody within my house. I also made answer that it was utterly inconsistent with my safety for me to live in the same house with a man with whom I could not, without the greatest danger, live in the same city. You then applied to Q. Metellus, the prætor, where you met with a new repulse. Then you marched off to the excellent Marcus Marcellus, your companion; a man whom, belike, you imagined would be very watchful in confining you, very shrewd in observing you, and very brave in bringing you to justice. But the man who owns himself worthy of restraint, how near may we presume him to be to deserving bolts and chains? If so, O Catiline! if the prospect of death here is shocking to a soul like thine, canst thou hesitate on retiring to some other land, and hiding, in exile and solitude, thy head, that repeated, that just, that merited forfeit to thy country's justice?

Move the question, say you, to the senate: for thus you talk, as if you were ready to obey their decision, if it shall fix banishment as your doom. I will move no such question, it is contrary to my inclination: yet I will order it so, that you may be fully apprized of their sentiments with regard to you. "Catiline, leave this city; rid thy country of her fears; go (if all you wait for is that word) into banishment." Ha, Catiline! hast thou the use of thy senses? Do you mark their silence? They are passive, they are mute. Need they to strengthen by their voice what is sufficiently implied by their silence?

Yet should I speak thus to that excellent youth, Publius Sextius, or the brave Marcellus; before this instant, upon this very spot, without regard to the sanctity of the place, without regard to my consular authority, I had with justice been chastised by the hands of the senate. But Catiline, in thy case, while they sit unmoved, they approve thy doom; while they sit in silence, they pronounce thy sentence; and while they stifle their resentment, they proclaim thy guilt. Nor is it thus with the senate

alone, whose authority you affect to prize, but whose lives you slight, but with these Roman knights, these brave honest men, and every gallant Roman who surrounds our assembly; whose numbers you might have seen; whose inclination you might have learned; whose voices a little while ago you might have heard; and whose swords and hands I have long with difficulty restrained from thy person; yet with them can I easily prevail, shouldest thou leave these walls, which thou hast long devoted to ruin, to attend thee even to their gates.

But wherefore do I talk, as if thy purpose were to be shaken, or thy guilt reclaimed? That thou shouldest meditate flight! that thou shouldest think of exile! I wish the immortal gods did inspire thee with such a resolution; yet if, daunted by my words, thou should resolve to go into banishment, I foresee what a storm of unpopularity must lower over my reputation; not so much in these times, while thy guilt is flagrant, as in the future. Yet with me shall this consideration have no weight, provided the calamity is confined to me, and extends not to my country. But it is unreasonable to suppose that thou canst be startled at the greatness of thy guilt, be daunted by the severity of the laws, or moved by the dangers of thy country. Thou, O Catiline! art none of those whom the sense of shame reclaims from dishonour; fear, from danger; or reason, from rage.

Therefore, as I have often said, be gone; and if you want to swell the measure of my unpopularity, for being, as you express it, your enemy, depart immediately into banishment. Do this; then shall I with difficulty bear up against the reflections of mankind: scarcely shall I be equal to the weight of public hatred, shouldest thou, at the command of a consul, retire into exile. But if you consult the glory of my name, march off with your outrageous band of ruffians; be gone to Manlius; alarm every desperate Roman; divide thee from the virtuous; make war on thy country; plume thee in thy unnatural robberies: thus shalt thou seem, not as cast out to foreigners by me, but invited thither by the voice of thy friends.

But why do I solicit thee, when I know that thou hast already detached a body of armed men, who are to wait for thee at the

Forum Aurelium? When I know that thou hast concerted, that thou hast fixed a day with Manlius. When I know that thou hast already sent off that silver eagle, the domestic shrine of all thy impieties, and which, trust me, will bring calamity and ruin upon thee and thine. How could you so long be deprived of this object of your worship? For to it, as often as you went out to murder, you paid your vows; and thy polluted hands were by turns reared to the altars of thy idol, and to the murder of thy countrymen.

Yet at length shalt thou retire to where thou hast long been hurrying, with frantic rage and unbridled ambition! a circumstance so far from affecting thee with anguish, that it elevates thee into unutterable ecstasy. To such a pitch of frenzy art thou formed by nature, trained by appetite, and reserved by fate. You never delighted in repose, you never even delighted in war, but when both were flagitious. You have levied a confederate band of ruffians; of wretches, not only completely destitute, but desperate. Here what transports shalt thou indulge; with what ecstasy shalt thou triumph, in what riot shalt thou revel, when, of all thy numerous crew, thine ears shall not be shocked with the voice, nor thine eyes with the sight, of one honest man! To the enjoyment of such a life are all these toils, particularly called Catiline's, directed: your lying out on the ground not only to compass a rape, but to commit villainy; thy treacherous vigilance to improve to thy own purposes, not only the slumber of the married man, but the property of the unguarded, the unsuspecting citizen. Now hast thou a scene wherein to display thy boasted patience under hunger and cold, and the want of every necessary of life; with all which thou must soon be pinched. When I disappointed thee of the consulate, I gained that thy country should feel thy attempts as an exile, and not thy tyranny as a consul; and that every step of thy ruffian treason might be termed the efforts, not of an enemy, but of a robber.

Now, O conscript fathers! that I may remove, that I may deprecate from myself the consequences of a too well-grounded charge, urged by my country, attentively, I beseech you, hear,

and treasure up in the innermost recesses of your minds and memories, what I am now to deliver; for should my country (that country which to me is far dearer than life), should all Italy, should all the frame of this constitution thus accost me: "Marcus Tullius, what are you about? Will you suffer my approved enemy, him whom you see, who you are sensible is to be put at the head of this impending war, whose presence in their camp my enemies expect; that spring, that first principle of guilt and treason, the man who enrols my slaves, who ruins my citizens; will you suffer him, I say, to escape, that he may seem not as driven from, but into this city? Will you not command him to be thrown into fetters, to be dragged to execution, and to atone for his guilt by his blood?"

"What restrains thee, the practice of our ancestors? When it has been known that in this state, persons uninvested with public authority have often put to death their wicked countrymen. Are you bound up by the statutes relating to the punishment of Romans? In Rome, never can the man who withdraws his allegiance from his country, plead the privileges of a Roman. Dost thou dread the reproaches of posterity? A glorious proof of gratitude, indeed, to thy country, which, knowing thee only through thyself, without the merits of ancestors to speak in thy favour, so early raised thee, through every gradation of subordinate trust, to her supreme seat of power. Should reproach, however keen, should danger, however dreadful, render thee remiss, when all that is dear to her sons is threatened? But if thou art to dread reproach, art thou to dread it more on account of thy not being destitute of honesty and courage, than for sloth and pusillanimity? When Italy shall be desolated with war, her towns given up to her foes, and her dwellings wrapt in the flames, think, then think, in what a conflagration of reproach thou thyself must be consumed!"

To these awful words of my complaining country, and of every man who entertains the same sentiments, I thus briefly answer: Had I, conscript fathers, judged it most expedient that Catiline should die, I had not indulged, to this trader in murder, the respite of a single hour from death. For if the greatest of men,

and the noblest of Romans, appeared, not only unpolluted, but even looked lovely in the blood of Saturninus, the Gracchi, and Flaccus, and many other traitors of antiquity, I, sure, had no reason to dread the indignation of posterity at my destroying this parricide of his country. Yet did I now perceive the storm of future reproach impending over my head, I have ever thought that reproach on account of public spirit, in attempting to blacken the man, distinguishes the patriot.

But some there are in this assembly who either do not perceive, or are unwilling to own their sense of our approaching ruin; whose lenient measures cherished the hopes of Catiline; and whose incredulity nursed the infancy of his treason. Many, destitute either of wisdom or virtue, following their authority, would have said that, in putting him to death, I had acted in a cruel and a regal manner. Now I perceive that should he retire whither he intends (the camp of Manlius), there is not a Roman so stupid as not to see, nor so wicked as not to own, that a conspiracy is formed. His single death, I can perceive, may for a while abate, but it never can extinguish, this pest of my country. But should he eject himself; should he carry his accomplices along with him; should he make that camp the common centre of his desperate, his now shipwrecked faction; not only this pest of the state, now ripened into maturity, but the very roots, the very seeds of all treason shall be cut up and destroyed.

True it is, conscript fathers, that we have long trod amidst the dangerous, the doubtful arts of treason. But by what means has it happened that in my consulate, the tumour, pregnant with every guilt, with long gathering rage and insolence, has ripened to breaking? But if from such a confederacy in treason, this one traitor only shall be removed, we may indulge, perhaps, a short temporary relaxation from care and concern; but still shall the danger remain lurking in the veins and vitals of our country. As patients in the anguish of a disease, and parched with feverish heat, are at first seemingly relieved by a draught of cold water, but soon the disease returns with redoubled force and pain, so our country, gaining a short interval of ease by the

punishment of this traitor, will, from his surviving confederates, languish with more mortal symptoms.

Wherefore, conscript fathers, let the wicked retire; let them sever themselves from the virtuous; let them herd together in one place—in short, as I have often said, let a wall divide us: no longer let them beset the consul in his own house; environ the tribunal of the city prætor; besiege the court with their swords; or lay up magazines of combustible balls and brands for firing the city—in short, let the sentiments of every man, with regard to the public, be inscribed on his forehead. This, conscript fathers, I now promise, that such shall be the diligence of your consuls, such the weight of your body, such the courage of the Roman knights, and such the unanimity of all the wise and worthy, that, upon Catiline's retreat, you shall perceive him and all his treasons discovered, exposed, confounded, and punished.

Be gone, O Catiline! Be gone, with omens such as these; rush into an impious, an execrable war, and may its issue prove salvation to this country; desolation, destruction, and death to thee and all the associates of thy boundless guilt and treason. Then thou, O Jove! whose name Romulus consecrated by the same rites with which he founded this city; thou, whom we rightly call the stay of this city and empire; thou shalt repel him and his accomplices from thy altars, from the temples of the other gods, from the roofs and the walls of Rome, from the lives and properties of our citizens: then shall thy eternal vengeance, in life as in death, overtake all the foes of the virtuous, all the enemies of their country, all the robbers of Italy, and all who are linked in the mutual bands of treason and execrable conspiracy.

SECOND ORATION AGAINST CATILINE.

AT length then, O Romans! we have driven, we have despatched and convoyed into a voluntary retreat from this city, Lucius Catiline, intoxicated with insolence, breathing out guilt, impiously meditating the destruction of his country, and threatening you, and this city, with all the calamities of fire and sword. He is gone, he is vanished, he is escaped, he has sallied forth. No longer now shall that prodigy, that monster of men, scheme the ruin of this city, while she harbours him in her bosom. This ringleader of rebellion we have doubtless quelled. His dagger is not now pointed at our breasts. Nor shall we now tremble in the field of election, in the forum, in the courts of public justice, or within the walls of domestic retirement. When he was driven from the city he abandoned his post; and now, without reserve, as we have no obstacle, may we treat him as an open enemy. Great, surely, must be his perdition, and glorious our conquest, since we have forced him out of the character of a bosom-traitor into that of an avowed rebel.

How mortifying, how afflicting, how sensibly afflicting may you imagine it to be to Catiline, that he carried away the point of his dagger unbathed in the blood he designed to spill; that we lived to see him retreat; that we wrested the sword from his hands; that he left our citizens undestroyed, and our city undemolished! Now, O Romans! he lies in the dust: now he perceives himself buffeted and spurned; and often, with eyes askance, he surveys our city, and mourns her deliverance from his destructive jaws: while, to me, she seems to assume a gayer air, for having disgorged, for having flung out that pest.

• SECOND ORATION AGAINST CATILINE. 93

But if there is a man who, as every man ought to do, feels for his country, yet bitterly accuses me on that very head, on which I now speak with pride, with triumph, I mean, that I did not rather apprehend than send away that most formidable enemy; that, O Romans! is not my fault, but that of the juncture. Death, and the severest judgment of his country, ought long ago to have overtaken Catiline: the practice of our ancestors, the justice of our government, and the interests of our country, required me to put him to death. But how many do you imagine were they who would not believe what I advanced? How many who, from stupidity, could not have thought it? How many would even have taken his part, and how many would have loved him for his wickedness?

But could I have thought that your dangers were to cease in his destruction, I had long since destroyed Lucius Catiline, though I had done it at the hazard, not of my reputation only, but of my life. But when I plainly saw that, without convincing you (as all of you, at least, were not even then convinced of the fact), if I had given him up to merited death, the load of enmity which I must have borne would have disabled me from prosecuting his accomplices, I brought the matter to this issue, that as I placed the enemy full in your view, you might without doubt, and without diffidence, enter upon vigorous action. How formidable, how very formidable, this enemy is abroad, learn, my countrymen, from this: it gives me pain and disquiet to think that he left this city with so thin a retinue; I wish he had carried off with him his whole force. He has carried off Tongilius, who is reported to have been the object of his criminal passion when a youth; he has carried off Publicius and Minucius, whose tavern-scores never could have affected the government: but of those he has left behind, how important are the persons, how deep the debts, how powerful the interests, and how noble the birth!

Therefore, I hold in utter contempt, in respect of our Gallic legions, and the levies which Quintus Metellus has made in the countries of Ancona and Lombardy, with the forces we are daily raising, his army, composed of aged despair, of clownish debauchery, and rustic intemperance; of men, who rather chose

to fly from their bail than from their army; fellows so unfit to stand the look of an enemy, that they would tremble should one show them the writ of a prætor. I had rather he had carried out those as the companions of his arms, whom I perceive fluttering in the forum, sauntering about the courts, and even stepping into the senate-house, sleek with perfumes, and shining in purple. If these should remain here, mark me, when I say that the deserters are more formidable than the main body of their army; and still more so, that, though they are conscious of my knowing all their plots and schemes, yet they remain cool and unconcerned. I can here point out the man to whom Apulia is allotted, to whom Tuscany, to whom Ancona, to whom Lombardy: I can here point you out the man who claimed the task of betraying our citizens to the sword, and our city to the flames. They are sensible that all the secrets of their last nocturnal consultation are divulged to me: yesterday I laid them before the senate; Catiline himself trembled, he fled; then why do these tarry? Fatally are they mistaken, if they hope for the continuance, the perpetuity of my former forbearance.

The point I had in view, I have now gained; which was to give you ocular proof of a conspiracy being formed against your country; unless some may imagine that a man may share in the vices, yet not enter into the sentiments of Catiline. Away with gentleness; the juncture calls for severity. One point I will even now yield: let them depart, let them be gone, nor suffer their leader to languish in their absence. I will point them out the road: he went by the Aurelian way; if they make despatch, they may reach him before night.

Happy country, could it be drained of the impurities of this city! To me, the absence of Catiline alone seems to have given it fresh bloom and beauty. Where is the villainy, where is the guilt that can enter into the heart and thoughts of man, that did not enter into his? In all Italy, what poisoner, what gladiator, what robber, what cut-throat, what parricide, what forger, what rascal, what ruffian, what debauchee, what adulterer, what strumpet, is there found among the corrupted, or

corruptors of our youth, among the abandoned of our country, that did not own an intimate familiarity with Catiline? For many years, where has been the murder to which he has not been accessory; where an infamous rape, and he not an accomplice? Had ever any man such talents for debauching youth as he possesses? Who indulged himself in a criminal flame for others, and others in an infamous passion for himself! To some he promised the object of their lust, to others the death of their parents; and not only prompted desire, but forwarded enjoyment. At this instant, what a prodigious number of abandoned wretches has he got together, not only from the city, but the country! There is not a bankrupt, I will not say in Rome, but in the remotest corner of Italy, who is not an associate in this detestable combination of guilt.

And, that you may be sensible how he unites in his person opposite qualities and differing characters, there is not in any fencing-school a bully more than commonly venturesome, who does not confess an intimacy with Catiline. The strumpet and the stager, ingenious and industrious in every art of infamy, dwell on the remembrance of the jovial hours they have passed together. Yet this hero, practised in robberies and rapes, while he was dissipating in lawless lusts the supplies of industry, and the means of virtue, was, by his associates, celebrated for his fortitude, for his patience under cold, hunger, thirst, and watchings.

Would his companions but follow him, would his desperate, his profligate band depart from Rome, well might I pronounce ourselves happy, our country fortunate, and my consulate glorious! For mankind has now attained to an extravagance in guilt: their crimes appear not now the crimes of men: as they are inhuman, so are they intolerable. Murders, burnings, and rapine now engross their thoughts. Their patrimonies they have squandered; their fortunes they have gormandised: long have they been without money, and now they begin to be without credit, while they retain the rage of desire without the means of enjoyment. Did they, in their revels and gambling, aim only at the enjoyment of the bowl and the strumpet, their

case were, indeed, desperate; but still it might be borne with; but who can suffer that the coward should betray the brave, the witless the wise, the sottish the sober, the indolent the industrious? That lolling at their revels, caressed by strumpets, crowned with garlands, besmeared with ointments, weakened with debauchery, they should belch out in what manner the virtuous are to fall under their swords, and this city to sink under flames?

Over such, I hope, some fatality is now hanging; and that the pains long due to their villainy, their crimes, their guilt, their lusts, are now ready, are now impending and approaching. These, if my consulate cannot cure, it shall remove; and thus ensure to this state, not a short, but an extended duration. For there is no nation whom we dread; there is no prince in a condition to attack the people of Rome. Abroad, through the courage of one man, by land, by sea, all is peace. At home, we are at war; within our walls, treason resides; within them, danger is shut up; within them, an enemy lurks. With luxury, with frenzy, with guilt, must we struggle. In such a war, O Romans! I put myself at your head; be it mine to stand the shock of desperate malice: to whatever can be cured, I will apply every means of cure; but what must be cut off, I will not suffer to fester, and to infect the sound, till the whole state is destroyed. Let them therefore be gone, or be at rest; but if they are resolved to keep at once the city, and their own designs, let them look for what they deserve.

Some, O Romans! there are who affirm that by me Catiline was driven into exile. Those who say so, could a word effect it, my word should drive into exile likewise. Surely, the gentleman was so shamefaced, so excessively modest, that he was not able to stand the words of the consul; no sooner was he commanded into banishment, than he submitted, he obeyed. Yesterday, after I had narrowly escaped being murdered in my own house, I summoned together the senate in the temple of Jove the Stayer; I laid the whole affair before the conscript fathers: when Catiline came thither, did a senator accost him, salute him? Or not rather look on him as a desperate citizen, as a most

outrageous enemy? Nay, the chiefs of that order left that part of the benches to which he approached, naked and empty.

Here I, that furious consul, whose word can drive citizens into exile, demanded of Catiline whether he had, or had not, been at the house of Marcus Læca, holding a nocturnal cabal? Excessively bold as he was, self-conviction struck him dumb: then I first laid open the whole; the transactions of that night; where he had been; what was to be the business of the next; and instructed the assembly in all the dispositions of his future war. While he appeared disconcerted and abashed, I demanded why he doubted to be gone on an expedition he had so long prepared for; when I knew that he had already despatched before him, arms, the axes, the badges of authority, trumpets, military ensigns, and that silver eagle to which within his own house he had reared a shrine of iniquity. Did I drive into exile the man who I already saw had entered upon hostilities? For it is likely that Manlius, a petty centurion, who had pitched his camp in the fields of Fæsulæ, declared war against the Romans on his own account; that his camp does not now expect Catiline to become its general, and that he will make Marseilles, and not that camp, the abode of his exile.

Wretched is the situation attending not only the government, but the preservation of the state: for should Catiline, watched, entangled, and weakened by my cares, my counsels, and at my peril, be suddenly alarmed, change his resolution, abandon his party, give up his hostile designs, and alter his career of guilt and war into that of flight and banishment; then it will be said that it was not by me he was despoiled of the weapons of his insolence; astonished, confounded, and driven from all his hopes into despair by my cares; but an uncondemned and unoffending exile, banished by the power and the threats of a consul. Should the conduct of Catiline be such as I describe, some would represent him, not as mischievous, but miserable; and me, not as a careful consul, but an unrelenting tyrant. Little, O Romans! does it affect me, that all the storm of this groundless and bitter malice should break on my head, provided that I can shelter you from the tempest of this dreadful, this unnatural war.

98 SECOND ORATION AGAINST CATILINE.

Be it said that he was driven out by me, so he goes but into banishment: but, believe me, Romans, he will not go; though I shall never pray to the immortal gods that, to take some part of the blame from me, you may hear that Catiline is at the head of a hostile army, and spreading desolation with his sword; yet this you must hear in three days; and then my greatest fear is, that the time may come when I shall be reproached, not for forcing him to fly, but for suffering him to depart. But if some affirmed that he was forced away, when, indeed, he went voluntarily, what would they not have said had he been put to death?

But they who give out that Catiline is retiring to Marseilles, speak it not so much by way of complaint as of dread. There is not a man among them so tender-hearted as not to wish him rather with Manlius than at Marseilles. But, indeed, had he never thought on what he is now executing, yet would he choose to fall as a rebel rather than live as an exile; but now, as nothing has happened but what he courted and expected, except that I was alive when he left Rome, let us rather wish he may go into banishment, than complain that he went.

But why do I dwell so long upon one enemy, and an enemy who avows himself as such; an enemy whom, as a wall divides us, as I have often wished it should, I no longer dread; and shall I speak nothing of those disguised traitors who remain at Rome, and mingle in our assemblies? Whose punishment I do not so much aim at, as, if it were possible to be effected, their cure, and reconciliation to their country. Nor, would they listen to me, do I see any impossibility in this: for to you, O Romans! will I explain of what kind of men their forces consist; then shall I, in the best manner I am able, apply to each, every remedy of my advice and eloquence.

The first set consists of those who, having great debts, but still greater estates, are so much in love with the last that they care not to get rid of the first. These, as they are men of substance, are specious in show and appearance, but shameless in their ends and intentions. Dost thou possess a land-estate, fine houses, rich plate, a numerous retinue; in short, dost thou

wallow in all the comforts, all the superfluities of life, yet grudge to take from thy wealth that thou mayst add to thy credit? What dost thou look for? For war? And dost thou imagine that thy estate shall remain inviolate amidst universal desolation? A bill of insolvency? They are mistaken who look for that from Catiline. I shall give my assistance to bring in such a bill, but it shall be limited; and this is the only measure by which such of them as possess property can possibly be preserved from ruin; and had they sooner agreed to it, and not foolishly run out their estates in mortgages, we should at this day have seen them both richer men and better citizens. But I am far from thinking this class formidable; because it is possible to persuade them to what is right; or, if they continue obstinate, to me their country appears to be in more danger from their prayers than their arms.

The next set consists of those who, though deep in debt, yet aspire to power; they want to be at the helm, and think in the storm of government to acquire those honours they despair of in its calm. To these I shall give the same advice as to the rest, which is, to give over all thoughts of obtaining what they aim at. In the first place, I myself am watchful, active, and provident for the public interest; then there is on the side of the virtuous amongst us, great courage, great unanimity, large numbers, and a fine army. In short, I trust that the immortal gods will immediately interpose against such ruffian guilt, in favour of this unconquered people, this glorious empire, and beautiful city. Had they attained to the end of all their frantic, their eager wishes, did they hope to spring up consuls, dictators, or kings from the ashes of this city, from the blood of her citizens, which they wickedly, which they treacherously conspired to spill? Do they not foresee that even though they should succeed in their confederacy of guilt, yet that they must be overtopped by some scoundrel or gladiator in the objects of their ambition?

A third kind is of advanced age and hardened vigour; such is Manlius himself, who now resigns his command to Catiline. These are of the colonies which Sulla planted at Fæsulæ; which I am sensible, in the main, consist of the bravest of men and

the best of citizens. But these are planters, who, getting more money than they either expected or know how to manage, run out their fortunes in riot and excess. These, while they build like lords, while they indulge upon their estates, in their sedans, amidst their great retinue and sumptuous entertainments, have plunged themselves so deep in debt, that, in order to retrieve their affairs, they must have some Sulla conjured up from the shades of death; and these have seduced into their once successful scheme of rapine, some poor needy clowns among themselves. Both these, O Romans! I place under the same head of robbers and plunderers. But my advice to them is, that they would awaken from their frantic dreams of dictatorships and proscriptions. For the calamities of the times when these prevailed have so galled the state, that not men only, but even beasts, would refuse again to submit to the yoke.

The fourth is a motley, mixed, and mutinous kind. Long have they been deprest; never will they rise; through indolence, mismanagement, and extravagance, they now droop beneath a load of ancient debt: they are quite teased out of their lives by arrests, judgments, and executions; and I hear that they resort in great numbers, both from the city and country, to the enemy's camp. Such I do not so much take to be keen fighters as indolent shufflers: if they cannot stand on their own legs, let them drop down; but so gently, that the shock may be unperceived, not by the public only, but by their nearest neighbours: for I cannot comprehend why, if they cannot live with honour, they should desire to die with infamy; or why they should imagine it less pain to die in company than to fall by themselves.

The fifth kind is a collection of parricides, cut-throats, and thorough-paced villains of all denominations. These I shall not envy to Catiline; he and they are inseparable; and even let them perish in their own robberies, since their number is too great to be confined within a prison.

I come now to those who are not only the last in my list, but the last of mankind in their life and morals: these are the life-guard, the partners of the bed and the bosom of Catiline, and

appropriated to him; these, beardless or bearded, you see with curled locks and blooming complexions; in full dress, in flowing robes, and wearing mantles instead of gowns: the labours of whose life, and the toils of whose vigilance, are only seen in the midnight revel.

Under this class are ranked gamesters, whore-masters, the lewd and the lustful of every kind. The soft insinuating youths, practised in the amorous arts of either sex, who know to sing, to dance; nay, on occasion, they can aim the murdering dagger, and spice the envenomed bowl. 'Tis not enough that Catiline shall fall; for, unless these depart, unless they die, believe me, that in this state we shall have a nursery of rising Catilines. But what do these wretches mean? Can they carry their wenches along with them into the camp? Yet can they be without them these cold dreary nights? How can they bear the Apennine, its biting frosts and snow? Unless they imagine that their dancing naked at revels has hardened them to endure the severities of the season. A formidable war, I must needs say, since the household troops of our capital enemy consist of shameless strumpets!

Against these gallant forces of Catiline, put now, O Romans! your guards, your garrisons, and your troops in array. And first, to that bruised and battered gladiator, oppose your consuls and generals; next, against that expelled, debilitated crew, whose fortunes are shipwrecked, draw out the flower, the strength of all Italy.

And now shall the ramparts of your colonies, and your freed cities, be opposed to the woodland, the rustic works of Catiline. But here I ought to run the parallel no further; nor compare your other troops, your trophies, and your towers, to the nakedness and necessity of that robber. Waiving, therefore, all considerations arising from things of which we are provided, and he destitute; such as the senate, the knights, the people, the treasury, and the revenues of Rome, all Italy, whole provinces, foreign nations; if, I say, waiving all these, we shall balance the very circumstances of the opposing parties, from them we may form a true estimate how very low our enemies

are reduced. Here regard to virtue opposes insensibility of shame, purity pollution, integrity injustice, virtue villainy, resolution rage, dignity defilement, regularity riot; on one side are ranged equity, temperance, courage, prudence, and every virtue; on the other, iniquity, luxury, cowardice, rashness, with every vice: lastly, the struggle lies between wealth and want; between the dignity and the degeneracy of reason; between the force and the frenzy of the soul; between well-grounded hope and widely-extended despair. In such a strife, in such a struggle as this, even though the zeal of men were wanting, must not the immortal gods give such shining virtues the superiority over such great and complicated vices?

Since such, O Romans! is our situation, do you, as I have already advised, each of you, provide for your domestic security by watch and ward. I have taken care, I have provided effectually, that the peace of the city shall be kept, without alarming you, and without riot within the walls. Your planters, and the inhabitants of your municipal cities, advised by me of Catiline's nocturnal excursion, will easily defend their own possessions and cities. The gladiators, his strongest, and, as he thought, his most trusty band, and, indeed, much honest men than some patricians I could name, shall be curbed by our power. Quintus Metellus, whom, upon my foreseeing this event, I had sent into Ancona and Lombardy, shall either destroy the traitor, or baffle all his motions, and defeat all his measures. As to other matters, in what manner these are to be regulated, to be conducted and executed, we are now to consult the senate, whom you see assembling.

As for those who are left within the city, and left by Catiline for its destruction, and your confusion, though they are enemies, yet still are they our natural fellow-citizens, and as such will I give them my repeated admonitions. If my lenity has hitherto seemed inclinable to weakness, it was with a view that this latent corruption might be discharged. But now can I no longer forget that this is my native soil, that to these I am consul, *that I must spend my life among my countrymen, or lay it down for my country*: the gate is without a guard, and upon

the road lies no ambush: they who incline to depart, may do as they think fit; but among those who remain in the city, should any one create, should he attempt, should he so much as seem to aim at the least disturbance, and be discovered by me, he shall be sensible that within these walls are vigilant consuls, active magistrates, keen swords, a brave senate, and a dungeon, that place in which our ancestors thought proper to punish unnatural guilt and avowed rebellion.

Romans, all this shall be so transacted, that the greatest events shall be brought about without disturbance; the most imminent dangers averted without alarm; and an intestine, a domestic war, more extensive, and more cruel, than the oldest now alive can remember, without my laying aside these peaceful robes, shall by me be conducted and quelled. All this, O Romans! will I so manage, that, if there is a possibility of avoiding it, not a single rebel shall, within the walls of this city, be punished for his guilt. But if the hand of avowed insolence, if the dangers of my suffering country, shall force me from this gentleness of disposition, yet shall I so order it, beyond what is even to be hoped in a rebellion so far spread, and so artfully covered, that no worthy man shall fall; and the punishment of a few shall place you above all dread of danger.

These things, O Romans! I promise you; not relying on my prudence or human policy, but repeated, infallible intimations of the immortal gods. Their protection gives me this hope, and their presence inspires me with this resolution. These gods, I say, no longer at a distance, as when attacked by a foreign and a remote enemy, but here in their own persons, by their immediate power and providence, defend their own temples and the habitations of Rome; and you, my countrymen, ought to put up your prayers, your vows, and supplications, that they will defend this city, which they have endued with supreme power, majesty, and strength, from the unnatural guilt of her degenerate sons, after having subdued all her enemies by sea and land.

THIRD ORATION AGAINST CATILINE.

TO-DAY you behold, O Romans! your country, your lives, your liberties, your properties, your wives and children, this august seat of empire, this fair, this flourishing city, preserved and restored to you, by the distinguishing love of the immortal gods, ever watchful for your welfare; and by means of my toils, my counsels, my dangers, rescued from fire and sword; nay, let me add, out of the jaws of impending fate.

And if the days of our preservation are equally joyous, equally distinguished, as those of our birth; because the pleasure of deliverance is certain, but the condition of life precarious; on our deliverance we reflect with delight; in our birth we exist without consciousness; believe me, since our gratitude and veneration has made the name of the saviour of Rome immortal as the gods; the man who saved the same city, with all its accessions of strength and wealth, ought, by you and your posterity, to be revered: for by me were those flames, that were ready to enwrap the temples, the domes, the dwellings, and the walls of this city, extinguished; by me, was the dagger, when pointed at the bosom of your country, blunted; and the weapons aimed at your throats were by me averted. All these circumstances, as they have already been explained, laid open, and proved by me before the senate, I will now, Romans, in a few words, express to you; that you may be no longer, as hitherto, at a loss to comprehend how important and how evident they are, by what means traced out, and in what manner discovered.

In the first place, ever since Catiline, a few days ago, broke out of the city, and had left the accomplices of his treason, with the boldest ringleaders of this rebellion at Rome, the end of all

my vigilance, of all my care, has been, how we might be best secured from such variety of danger, from such a mine of mischief: for when I cast Catiline out of Rome (for I now dread no reproach from that word; all I have now to fear is, from his being suffered to depart alive), as I aimed at plucking his conspiracy up by the roots, I was in hopes that he would either be followed by the rest of his associate crew, or that they who remained must be disabled and disconcerted through his absence. And as I perceived that the most bold and bloody of all the conspiracy remained here with us, and within Rome, my painful endeavours by day and night were, that I might come at the knowledge, the proof of their intentions and actions; that since you could not reconcile the enormity of their guilt to your belief, and therefore were inclined to distrust what I said, I might dispose matters in such a manner as to unite you all in the means of your safety, by proving to your strongest conviction the imminence of your danger. As soon, therefore, as I found that Publius Lentulus had been tampering with the commissioners of the Allobroges in order to kindle a war beyond the Alps and create commotions in Gaul, and that they had been sent to their countrymen, with a commission to communicate on the road their credentials and instructions to Catiline; that Volturcius was sent to attend them, and that they had likewise intrusted him with letters for Catiline, I thought I had now a fair opportunity of giving the most entire satisfaction to myself, to the senate, and to you, with regard to this conspiracy, a matter of the utmost difficulty, and the frequent subject of my fervent prayers to the immortal gods.

Yesterday, therefore, I sent for the prætors, Lucius Flaccus and Caius Pomptinus, men of great courage and true patriotism. To them I discovered the affair, and signified my commands. They, as their sentiments towards their country are all noble and generous, without doubt or delay, undertook the business; and about the evening privately repaired towards the Milvian bridge, where they so disposed of themselves in the neighbouring farms, that the Tiber and the bridge lay betwixt them. These likewise drew together to the same ground a great many

brave men, unsuspected by any; and I despatched from the prefecture of Reate a number of chosen youths, armed with swords, whose assistance I never fail to make use of in the public service. In the meantime, the third watch being almost spent, the commissioners of the Allobroges, with Volturcius, began to enter upon the bridge, with a great retinue, where our band attacked them. Both parties drew their swords: the prætors alone were in the secret, the others were not. Then upon the coming up of Pomptinus and Flaccus, the skirmish ended; and all the letters they had among them were delivered up, sealed as they were, to the prætors; and their own persons being seized, they were all of them brought before me towards the dawn of day. I summoned before me Cimber Gabinus, that arch plotter in all their wicked conspiracies, without his suspecting how matters went. Lucius Statilius was then brought in, then Cethegus; and then came Lentulus, but a long time after, because, I suppose, the night before he had sat up unusually late in making out the despatches.

When many of the greatest and most considerable men in Rome, upon hearing the news, came to me in the morning, they were of opinion that I should open the letters before I communicated them to the senate, lest, if nothing was found in them, I should be blamed for too rashly giving so great an alarm to the city. This I refused to comply with; because, as the danger was public, so the deliberation upon the affair, untouched as it was, ought to be public likewise. For I considered that even though it should appear I was misinformed, I had no reason to dread any reflections for my over-diligence in matters that bore so dangerous an aspect to the state. I then speedily summoned, as you saw, a full house of the senate. In the meantime, by a hint from the Allobroges, I despatched that brave prætor, Caius Sulpicius, to remove any arms that might be in the house of Cethegus, from whence he accordingly carried a very great number of swords and daggers.

I brought Volturcius, without the Gauls, before the senate; and by their commands, I plighted the public faith to him, exhorting him, without fear or reserve, to speak freely all he

knew. Scarce was he recovered from his fright, when he declared that he had instructions and letters from Lentulus to Catiline, advising him to arm the slaves and march directly up to the city with his army, with this view, that when they had set fire to every quarter of the city, in their several stations and posts, as they had been assigned and planned, and had entered upon the general massacre, he might be upon the spot, to cut off those who should endeavour to fly, and to act in conjunction with these city commanders.

And then the Gauls being brought in, declared that an oath had been plighted to themselves, and letters given them to be communicated to their constituents, by Publius Lentulus, Cethegus, and Statilius; and that they had it in commission from them, and Lucius Cassius, instantly to despatch their cavalry into Italy, they being in no want of foot; that Lentulus had assured them from the Sibylline predictions, and the answers of the soothsayers, of his being infallibly the third of the name of Cornelius, who was destined to be the sovereign and commander of this city; that the prediction was already so far fulfilled in the persons of Sulla and Cinna, both of that name; that he further declared, this year being the tenth from the acquittal of the vestal virgins, and the twentieth from the burning of the Capitol, was to be the critical period for the destruction of this city and empire. They added to this evidence, that there was a dispute betwixt Cethegus and the other conspirators; because some, with Lentulus, were of opinion that the massacre, and the burning of the city, should be fixed on the Saturnalia, which, in Cethegus's opinion, was too late.

At last, Romans (to be as short as possible), I ordered the letters, which each of them were said to write, to be produced. In the first place, I showed to Cethegus his own seal: he owned it to be his; I cut the thread; I read. There it was wrote with his own hand, "That he would act by the senate and the people of the Allobroges, as he had promised to their commissioners; entreating them to perform whatever their commissioners should lay before them." Then Cethegus, who a little before

had pretended to excuse himself on account of the swords and daggers found at his house, by saying that he had been ever curious about blades of good metal, upon hearing the letters read, appeared dismayed, confounded, self-convicted, and was suddenly struck dumb. Statilius was then brought in: he owned his hand and seal: his letters, almost to the same purpose as the others, were read to him; he confessed all. I then showed to Lentulus his own letters, and demanded if he knew the seal. He seemed to own that he did. "Right! (said I); the seal is well known; it is well known; it is the head of your illustrious grandfather, whose sole passion was the love of his country and his countrymen: the very sight, methinks, of such a head ought to have deterred you from the perpetration of such enormous guilt." His letter, to the same purpose, to the senate and people of the Allobroges, was read. I indulged him in saying what he chose on that subject. At first, indeed, he stood on his innocence; but soon after, the whole information being opened and declared, he rose up; he demanded of the Gauls what business he had with them which brought them to his house, and he put the same question to Volturcius. When they answered him in short and unvarying terms, by whose means, and how often they had been at his house; and demanded of him, in their turn, whether he had said nothing to them about the Sibylline predictions; then, distracted with guilt, he gave a sudden proof how powerful conscience is: for though he might have braved it out, yet, contrary to what everybody thought, he at once confessed it. Thus, not only his ready wit and voluble tongue, for which he was always remarkable, but even his impudence and audacity, in which he has been ever unrivalled, yielded to the force of confounded and detected guilt.

But Volturcius on a sudden demands that the letters delivered to him from Lentulus to Catiline should be produced, and opened. Here, though Lentulus was struck with the utmost confusion, yet did he own his hand and seal. The letters, however, were wrote without any subscription, in the following terms: "Who I am, you will learn from the bearer.

“Be sure that you act like a man; reflect to what a pass you are now advanced; consider what is necessary for you to do; and take care to strengthen yourself with the assistance of all, even the meanest.”

Gabinus was next brought in; and though he at first answered with great impudence, yet, in the event, he denied none of the circumstances urged against him by the Gauls. And to me, O Romans! though the letters, seals, hands, and, lastly, their several confessions, were strong and convincing evidences of their guilt, yet were these evidences rendered still more strong by their looks, their air, their countenances, and their silence. For with such astonishment were they struck, so strongly were their eyes riveted to the ground, and with such guilty consciousness did they sometimes steal a look at one another, that they did not look like men informed against by others, but betrayed by themselves.

The informations, O Romans! being laid open and declared, I put the question to the senate, “What they thought proper to be done at a juncture so critical to the very being of the state?” The voices of the leading men were for severe and resolute measures: these the senate agreed to without the least amendment; and as their determination is not yet engrossed, I shall, my countrymen, as well as I can recollect, lay before you the resolutions of the senate.

In the first place, I had the thanks of the house, in the strongest terms, for having delivered the state from the most imminent dangers, by my courage, my conduct, and foresight. Then the prætors, Lucius Flaccus and Caius Pomptinus, had their just and merited share of praise, for having so bravely and faithfully executed what I had given them in charge; nor was my brave colleague forgotten in the thanks of the order, for removing from his own and the public counsels the accomplices in this conspiracy. They then came to a resolution, that Publius Lentulus, after having divested himself of the prætorship, should be delivered into custody. The like sentence was passed upon Caius Cethegus, Lucius Statilius, Publius Gabinus, who were all present; the like upon Lucius Cassius,

who had solicited the commission of setting fire to the city; upon Marcus Cæparius, to whom, as it appeared, Apulia was allotted for raising the shepherds; upon Publius Furius, one of the planters, whom Lucius Sulla had settled at Fæsulæ; upon Quintus Annius Chilo, who was joined with the same Furius in all applications made to the Allobroges; against Publius Umbrenus, the son of a freedman, who, it was proved, first introduced the Gauls to Gabinus.

Now the senate, O Romans! proceeded with this lenity, upon the supposition that the republic being preserved from so dangerous a conspiracy, from such strength and numbers of inbred enemies, by the punishment of only nine desperate men, the minds of others might be cured. And further, my countrymen, upon my account, a solemn thanksgiving to the immortal gods, for their remarkable favours, was decreed: the first instance, since the building of Rome, of such an honour being done to one who acted without laying aside the robes of peace. And their decree was in the following terms: "Because I had delivered the city from the flames, the citizens from slaughter, and Italy from war." An honour, my countrymen, which, if compared with others of the same kind, this difference will be found: that theirs were decreed for their successfully serving, mine for happily saving, the state. That which required our first cares was first despatched and executed. For Publius Lentulus, though upon the information being proved, and his own confession, the senate had adjudged him to have forfeited not only the authority of a prætor, but the privileges of a citizen, divested himself of his magistracy; that we might not entertain the least scruple in punishing a Roman magistrate, in the person of a private man; a point to which the illustrious C. Marius had no regard when he put the prætor Caius Glaucia to death, against whom nothing had been expressly decreed.

Now, O Romans! as you have the unnatural leaders of this detestable and dangerous rebellion taken, and in prison, you ought to conclude that all the forces of Catiline, that all his strength and hopes (these dangers of your country being thus averted) have failed. Indeed, Romans, when I drove him from

the city, this I foresaw, that when Catiline was removed, I had no reason to be afraid of the dreaming Lentulus, the corpulent Cassius, nor the furiously rash Cethegus. Catiline, of all the cabal, was formidable; but no longer than while he remained within the walls of this city. He knew everything; he had access to everybody; he had both abilities and boldness to accost, to tempt, and to solicit; he had a head turned for any undertaking, and a tongue and hand proper to support what his head projected. For performing certain enterprises, he had certain and selected agents; nor did he ever think that his bare commands could carry anything into complete execution. There was nothing too hard for his activity, for his vigilance, or fatigue; he could undergo hunger, thirst, and cold. Had I not driven away a man so keen, so ready, so bold, so crafty, in treason so vigilant, in desperate circumstances so active, from conspiring within these walls, into open rebellion in the fields (let me speak, O Romans! as I think), it had not been easy to repel such a weight of woe from falling on your heads. He would not have fixed the Saturnalia as the era of our destruction, nor have so long beforehand determined the very date of perdition and ruin to this state; nor have ordered matters so, that, when it came to the push, his own seal and letters, or any living witnesses, should be seized as evidences of his detected treason. Yet in his absence has all this been effected, and in such a manner too, that never was any domestic felony so plainly detected as this important conspiracy against the public has been discovered and exposed. But if Catiline had remained in the city till this day, in such a case, though I should still have prevented and disconcerted all his plots, yet, at last, to speak the least, must we have come to blows; and while such a bosom-traitor remained within our walls, never could we have delivered the government from such threatening dangers, with so much peace, so much tranquillity, and with such silence.

But all these transactions, my countrymen, were managed by me in such a manner, that they seemed to be directed by the will, and conducted by the wisdom of the immortal gods. This we may conjecture, as well from the apparent impossibility of

such amazing events being brought about by human foresight, as from their immediate and almost visible aid and assistance in the late critical conjunctures. For, to say nothing of those nocturnal effulgences, which beamed in the west, and the heavens appearing all in a blaze; to pass over the thundering and earthquakes, with the other many prodigies which happened in our consulate, which seemed like the language of the gods predicting what has now happened: this, O Romans! which I am now to mention, ought neither to be omitted nor postponed.

Surely you may remember that, under the consulate of Cotta and Torquatus, a great number of turrets in the Capitol was struck by lightning; that the images of the immortal gods were likewise overthrown, the statues of ancient Romans overturned, and the brazen tables of the laws melted down; even that gilded statue of Romulus, the founder of this city, was scorched, which you may remember to have seen in the Capitol, representing him an infant, sucking and reaching at the dugs of the she-wolf. At that time the soothsayers from all Tuscany were assembled, and declared that massacres and burnings, the extinction of the laws, a war civil and domestic, with the fall of this city and empire, were at hand, unless the gods, appeased by all means of devotion, should interpose their providence to bend, in some measure, the destinies themselves. Upon their answer, plays were celebrated for ten days; nor was any method of appeasing the gods omitted. The same soothsayers ordered a larger statue of Jupiter to be erected in a conspicuous place; and, contrary to its former posture, to face the east. They likewise declared that they hoped, if that statue, as you now behold it, should at once face the rising sun, the forum, and this senate-house, the treasons privately hatched against the welfare of this city and empire should be rendered so conspicuous, as to be seen through by the senate and the people of Rome. The then consuls therefore ordered the statue to be erected in the manner prescribed; but so slowly did the work go forward, that it was not erected either by our predecessors in office or by ourselves, before this day.

Can there now, O Romans! be a man so forsaken of truth, of

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such confirmed obstinacy, of such mental blindness, as to affirm that all we see, and especially this city, is not under the immediate guidance and government of the immortal gods? For when the soothsayers, by their answers, pronounced that massacres, burnings, the ruin of this state, were then devising, and all by means of her unnatural citizens, the enormity of guilt rendered the prediction to some incredible; yet you perceive that all this has been by flagitious citizens, not only devised, but attempted. Have we not before our eyes an instance which seems to have been effected by the direction of Jove the BEST and GREATEST, that when, by my commands, the conspirators and the informers against them were this morning led through the forum into the temple of Concord, at that very instant this statue was erecting? Upon its being erected, upon its being made to face you and the senate, to you and the senate every traitorous design against the public safety was instantly detected and exposed. They, therefore, are worthy of the greater degree both of detestation and punishment, who endeavoured to wrap in fatal and impious flames, not only your habitations and roofs, but even the temples and fanes of the immortal gods; and presumption, intolerable presumption, were it in me to affirm that through me their purposes were defeated. No; it was Jove, that Jove himself, who opposed them. To his pleasure was it owing that the Capitol, to him that those temples, to him that this city, to him that all of you are preserved. It was therefore, O Romans! the directing providence of the immortal gods that inspired me with such resolution and foresight, and conducted me to these important, these convincing discoveries.

Now as to their practising on the Allobroges; had not the immortal gods deprived Lentulus, and our other domestic enemies, of prudence to direct their consummate audacity, never would they so madly have committed to strangers and barbarians, affairs of such importance, nor (believe me) have entrusted them with their letters. For can it be supposed that the Gauls, the subjects of a disaffected state, a state, the only one which now seems to retain both the abilities and inclination to make war

with Rome, would have slighted the prospect of independency, and the greatest advantages, when voluntarily offered by Roman patricians, or that they would have preferred our preservation to their own power? Can you imagine that this hath been effected without the finger of Heaven; especially as they might have conquered us, not by handling their arms, but by holding their tongues?

Therefore, O Romans! since a thanksgiving is decreed before all the shrines of the gods, celebrate ye, with your wives and children, these days of your deliverance. Many and merited are the proofs of gratitude which we owe to the immortal gods; but surely never were they paid with greater justice than now. From dismal, from detestable ruin are you snatched, and snatched without slaughter, without blood, without an army, without a skirmish. In your peaceful robes, under me, in my peaceful robes, your sole conductor and commander, have you obtained the victory. O Romans! call to mind all your civil disputes; not only those you have heard of, but those which you yourselves remember, and have seen. Lucius Sulla destroyed Publius Sulpicius. He cast out of the city Caius Marius, the guardian of Rome, and drove many brave men out of this state, and put many to death. Cnæus Octavius, the consul, expelled with arms his colleague out of the city, while this place was choked with the bodies and blood of citizens. Cinna with Marius then prevailed; and then it was that the very lights of your country were put out by the deaths of her most illustrious men. Sulla afterwards avenged himself of this cruel victory: needless it is for me to relate with what diminution of our citizens, with what calamity to our country. Marcus Lepidus had a difference with the brave and the illustrious Quintus Catulus, which ended in the ruin of the former; nor was that so afflicting to the public as was the ruin of others; yet, O Romans! all these differences were of such a nature as tended not to an abolition, but an alteration of our government. The authors did not intend that no government should exist, but that they themselves should be leading men in that which should prevail; they desired not to see Rome in flames, but themselves

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powerful in Rome. Yet were all these differences, of which none tended to an extinction of the state, of such a nature, that they were determined, not by an accommodation of interests, but by a massacre of citizens. But in this war,—a war the greatest and fiercest that any age has known; such a war as even barbarism itself never waged within its own dominions; a war in which Lentulus, Catiline, Cassius, and Cethegus, made it a ruling principle, that all who could reconcile their own safety to that of the city should be refused quarter,—in this war, O Romans! I have so behaved myself, that you are all preserved untouched. And though your enemies imagined that there should remain but just as many Romans as should survive unlimited massacre, and as much of Rome as should be unencircled by flames, yet have I preserved your persons and your city untouched and uninjured.

For these mighty events, O Romans! I demand of you no reward of virtue, no badge of distinction, no monument of glory: all I require is, the eternal commemoration of this day. In your minds I desire that all my triumphs, that all my trophies of glory, that all my badges of distinction, should be reared and deposited. Whatever is without power to speak, whatever is without utterance, whatever of the kind, in short, that can be compassed by men of inferior merit, has for me no charms. In your remembrance, O Romans! shall my actions be cherished; on your tongues shall they grow, and in your records shall they arrive at age and strength; and the same day, if I am not deceived, which brought deliverance to this city (which I hope will be eternal), shall transmit to all posterity the remembrance of my consulate; and that, at the same period, two citizens lived under this government, one who fixed the limits of your empire, not to the extent of earth, but of heaven; and one who preserved the habitation and the seat of that empire.

But as the fortune and circumstances of my actions are different from those of your generals who conduct your foreign wars, inasmuch as I must live with those whom I have conquered and subdued, while these leave their enemies either dead or enthralled; it is your business, O Romans! to take

care that if the meritorious actions of others are advantageous to them, mine may never prove detrimental to me. I have taken care that the guilty and flagitious intentions of these presumptuous wretches should not affect you; it is your part to take care that they never may affect me. Yet, O my countrymen! never can my enemies hurt my person. Strong is the protection of the good, a protection of which I am for ever assured; great is my dignity in the republic, my continual and silent defender; and great the power of conscience, which whoever shall slight, must betray themselves, while they attempt to injure me.

Such a spirit, O Romans! is likewise in me, that not only will I bear up against all the attempts of audacity, but even provoke and attack all the profligate themselves. But if the whole force of domestic enemies, when repelled from you, shall be pointed against my single person, it must belong to you, O Romans! to reflect in what situation you place those who, for the future, shall, for your preservation, expose themselves to malignity and danger of every kind.

As for myself, what can I further acquire towards the enjoyment of life? Especially as I see no higher step of promotion, either in dignity flowing from you, or in glory derived from virtue; at least, none that I should wish to ascend. This, O Romans! will I certainly effect. In my private capacity, I will protect and grace whatever I have acted in my consulate; that if malice is incurred by preserving the state, it may prove hurtful to the malicious, but conducive to my glory. In short, I shall behave so in the republic, as ever to keep in memory my past actions, and take care that they may appear, not the effects of chance, but of virtue. You, O my countrymen! since it is now night, worship that Jove who is the guardian of you and this city: retire to your dwellings; and though the danger is now repelled, yet set the same watch and ward over your houses this night as you did the last. That you may have no occasion to do it longer; but be able hereafter to live in uninterrupted peace; that, my good countrymen, shall be my care.

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I PERCEIVE, conscript fathers, that every look is turned, that every eye is fixed upon me. I perceive that you are anxious, not only about the dangers that threaten yourselves and your country, but, were these repelled, for those that may affect me. This kind concern in calamity is pleasing, and grateful in sorrow: but, by the immortal gods, I conjure you to lay it aside; and, forgetful of my preservation, to study that of yourselves and families. For my own part, could I enjoy the consulate only upon the terms of my being subjected to cruelty, pain, and anguish of every kind, I would bear them, not with courage only, but with pleasure, provided that from these my sufferings, you and the people of Rome were to derive dignity and security.

I, conscript fathers, am that consul to whom the forum, that centre of all equity; to whom the field, hallowed by consular auspices; to whom the senate-house, the highest tribunal of relief to all nations; to whom these domestic walls, the shelter of every one besides; to whom not even the couch set apart for repose; nay, not this seat of dignity, nor this chair of state, have been free from treachery and the perils of death. Much have I concealed; much have I borne; much have I yielded; and much, by my own toil, have I healed, while you trembled for the event. Now, if the immortal gods would grant this to be the issue of my consulship, that I should snatch you, conscript fathers, and the people of Rome, from dismal massacre; your wives, your children, and the vestal virgins, from outrageous persecution; our temples and altars, with this our beautiful country, from execrable flames, and all Italy from war and desolation,

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let me be singled out to suffer whatever fate shall inflict: for if Publius Lentulus, deluded by fortune-tellers, thought that his name was ominous to the destruction of this state, why may not I rejoice that my consulship has, in a great measure, been decreed by fate for its preservation.

Therefore, conscript fathers, think on yourselves; provide for your country; preserve your order, your wives, your children, your fortunes; protect the majesty and the lives of the people of Rome; but forbear your tenderness and concern for me. For, in the first place, I have grounds to hope that all the gods, the guardians of this city, will requite me according to my deserts. Then should anything happen, with resignation and resolution am I prepared to die; for to the brave, death can never be dishonourable; to the consular, untimely; nor to the wise, afflicting. Not that I am so steeled as to be unmoved by the grief of this my dear and affectionate brother, and the tears of the worthy persons whom you see here present surrounding me. Let me own too, that a dispirited wife; a daughter dismayed with her fears; and an infant son, whom I imagine my country now embraces as the pledge of my conduct; this my son-in-law, whom I see waiting the event of this day, often recall my mind to domestic endearments. Still these objects give me concern; but a concern how they and you may be preserved, even though I were taken off by violence, rather than that we all should be involved in a general wreck of our country.

Wherefore, conscript fathers, apply to the safety of the state; keep a look-out to every impending storm, which, but for your vigilance, must overtake you. It is not a Tiberius Gracchus who again aspires to the tribuneship of the people; nor a Caius Gracchus, the incendiary, for an Agrarian law; nor a Lucius Saturninus, the murderer of Caius Memmius, who is now brought into judgment and to the bar of your justice. No; the prisoners in your custody are those who remained at Rome to burn the city, to slaughter every senator here, and to receive Catiline. Their letters, their seals, their hands, in short, their several confessions, are in our custody. The Allobrogæ were tempted, slaves spirited up, Catiline sent for. The end they

proposed was, that, after a general massacre, not a soul should remain to bewail the extinguished glory of Rome, or to weep over the ruins of this mighty empire.

All this the informers have discovered; the prisoners have confessed; and you, by repeated resolutions, have declared to be true. In the first place, as you returned me thanks in distinguishing terms, and declared that, through my virtue and activity, the conspiracy of these desperate wretches had been laid open; in the next place, as you forced Publius Lentulus to abdicate the prætorship; then, as you came to a resolution that he, and the other conspirators whom you had tried, should be delivered into custody; and chiefly, as on my account, you appointed a thanksgiving, an honour that never was before paid to any of the long robe; lastly, yesterday you bestowed large gratuities upon the commissioners of the Allobroges, and Titus Volturcius: all which circumstances are such, as to make it appear that you have condemned, without hesitation, the persons whom you have thus expressly committed to prison.

But, conscript fathers, I purpose to open the whole matter anew; for your sentiments upon the fact itself, and for your resolutions upon the punishment that ought to attend it. Yet I must premise what I think it my duty to say as a consul. Long had I observed a strong spirit of disorder working, with certain dangerous innovations mingling and fermenting in the state; but, never did I imagine that so great, so destructive a conspiracy was forming by her subjects. Now, whatever sentiments you shall incline to, whatever your voices shall decree, you must before night come to a final resolution. How detestable a crime is laid before you, yourselves see. If you think that but a few are accessory to its guilt, you are greatly mistaken; the poison reaches farther than you imagine; it is spread not only through Italy, but has even passed the Alps, and imperceptibly creeping along, has tainted many provinces. Forbearance and delay can never crush it: whatever resolution you come to, you must speedily execute.

I perceive as yet but two opinions: the one of Decius Silanus, who delivers it as his mind, that whoever has endeavoured to

abolish this glorious state, ought to be punished with death; the other of Caius Cæsar, who leaves out the pains of death, but comprehends all the severest penalties of every other censure. Both agreeable to their own dignity, and the importance of the cause, turn upon the utmost severity. The former is of opinion that they who endeavoured to deprive this order, and the Roman people, of life, who endeavoured to abolish this empire, and to extinguish the glories of Rome, are unworthy to enjoy a moment's respite from death, or breathe this vital air. He proves from precedents that this was a punishment often inflicted, in this state, upon her unnatural subjects. The sense of the latter is, that death was not appointed by the immortal gods as a penalty, but that it is rather the inseparable condition of our nature, or the cessation of our toils and troubles. Therefore, it is never declined by the wise, and often courted by the brave. But that bonds, and those, too, perpetual, were at first undoubtedly invented as the proper, the distinguishing punishment of unnatural guilt: therefore he advises that the prisoners should be distributed among the municipal towns. This, were you to order it, implies injustice: if you require it, it must meet with difficulty; yet, if it be the sense of the house, let it be decreed; for I will undertake it; and I hope to find Cæsar the man who shall think it no reflection upon his own dignity, to acquiesce in whatever you shall decree for the common safety. Cæsar is for enacting a heavy penalty against the municipal cities, if any of the criminals shall break out of their prisons. He surrounds them with horrible guards, and decrees against them, what is adequate to the guilt of such profligate wretches, that no man shall ever have a power to apply either to the senate or the people for a mitigation to the punishment of those he condemns. He deprives them even of hope, that sole, that usual consolation of the wretched. Besides, he orders their estates to be confiscated; and all he leaves to the abandoned ruffians is life, of which should he deprive them, by one momentary pang, he would take away all the anguish of their souls, their bodies, and their crimes. Therefore, that some restraint might be laid upon the wicked in this life, the ancients

have thought fit that some punishments should be allotted to the guilty in hell, because they were of opinion that without such a belief, death in itself was no great object of terror.

Now, conscript fathers, I can perceive how much it is for my interest that you give into the opinion of Caius Cæsar; because, as he has struck into that path which leads to popularity in the state, I shall, perhaps, have less reason to dread the insults of the people, as he both made and supported this motion. As for the other opinion, I am not sure but it may raise me new perplexities: but let the service of the republic supersede all considerations of my danger.

Caius Cæsar, agreeable to his own character, and the dignity of his illustrious ancestors, has delivered to us an opinion, which is, as it were, a lasting pledge of his affection to his country, and a noble instance of the difference betwixt the affected lenity of busy declaimers and a mind truly popular, taking a patriot concern in the preservation of the people. I can now perceive that a certain gentleman of those who affect popularity is absent, because, forsooth, he is tender of voting away the life of Roman citizens. Yet that very member, but the other day, committed Roman citizens to a gaol; voted a thanksgiving for me; and yesterday bestowed large gratuities upon the informers.

Now, who can be in doubt about the sentiments, with regard to the whole of this transaction and business, of the man who has voted for the imprisonment of the accused, thanks to the judge, and a reward to the informer?

But Caius Cæsar understands the Sempronian law to respect Roman citizens only; but that man who is an enemy to Rome can in no sense be called a Roman citizen: in short, that the very enactor of the Sempronian law, though uncondemned by the people, satisfied the rigour of his country's justice. The same member thinks that the profuse and prodigal Lentulus, who had so often hatched within himself the destruction of the people and city of Rome, with every circumstance of blood and cruelty, cannot be called a countryman. Therefore the meek and tender-hearted gentleman makes no scruple in committing

Publius Lentulus to eternal darkness and chains; and he enacts that, for the future, no man shall ever have it in his power to vaunt of his having procured a mitigation of this doom, or to make himself popular to the ruin of his country. He likewise adds the confiscation of their goods, that thus want and beggary may attend every torment of body and soul. Therefore, if ye follow his opinion, ye will then give me a companion to the assembly who is dear and agreeable to the Roman people; or whether ye follow that of Silanus, ye will easily clear both yourselves and me of the charge of cruelty; and I shall prove that it is by far the milder course.

Yet, conscript fathers, where can be the cruelty of punishing such monsters of treason? I judge of them according to my real feelings; for, may I never, in conjunction with you, enjoy the blessing of my country's safety, if the keenness which I show in this prosecution proceeds from any bitterness of spirit (for who can be milder than I?), but from particular tenderness and compassion. For I have now before my eyes this city, the eye of the world, and the refuge of nations, suddenly sinking under the flames. I figure in my mind the bodies of my hapless countrymen lying in heaps, unburied in my buried country: I have now before my eyes the looks and fury of Cethegus, revelling in your blood. But when I figure to myself Lentulus on the throne, which he confessed he was encouraged to hope for from the fates, Gabinius in a purple robe, and Catiline come with an army, then am I struck with horror at the shrieks of our matrons, the flight of boys and maids, and the rapes of vestal virgins. Now, as to me, these calamities appear extremely shocking and deplorable; therefore I am extremely keen and rigorous in punishing those who endeavoured to bring them about. For let me put the case, that a master of a family had his children butchered, his wife murdered, his house burnt down by a slave, yet did not inflict the most rigorous of punishments imaginable upon that slave; would such a master appear merciful and compassionate, and not rather a monster of cruelty and inhumanity? To me that man would appear to be of a flinty, cruel nature, who should not endeavour to soothe

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his own anguish and torment by the anguish and torment of its guilty cause. Thus ought we to act by those men who intended to murder ourselves, our wives, our children; who endeavoured to raze the houses of every particular Roman, and to destroy this general seat of empire; who conspired to settle the Allobroges upon the ruins of this city, and in the ashes of our consumed empire. By discovering the keenest resentment, we shall express the tenderest compassion. But should we relent and retract, then must we be branded with the infamy of being exquisitely cruel, while the destruction of our country and our countrymen is in question.

As well may we suspect Lucius Cæsar, a man of the greatest courage and patriotism, of cruelty, when the other day he declared that the husband of his sister, a lady of consummate merit, even while he stood by and heard him, ought to be put to death; and strengthened it by this argument, that his own grandfather was put to death by command of the consul; and that his son, though but a stripling, being sent on a message from the father, was executed in prison. In their case is there any parallel to this? Had they entered into a conspiracy to destroy their country? A spirit of corruption was then, indeed, beginning to work in the state, and opposite parties begun to be formed; and at that time the grandfather of this very Lentulus, an illustrious patriot, attacked Gracchus with arms; and, to prevent the majesty of the state from receiving the smallest mutilation, he received a cruel wound. But Lentulus, to destroy the very foundations of our constitution, sent for the Gauls, stirred up the slaves, invited Catiline, consigned us to be butchered by Cethegus, the other citizens to be murdered by Gabinius, the city to be burnt by Cassius, and all Italy to be desolated and plundered by Catiline. Can I then suppose that you will dread the censure of decreeing with too much severity, when the circumstances of this treason are so monstrous and unnatural? When you have more reason to dread that, by lenity in punishing, we may be blamed as cruel towards our country, rather than severe against its most implacable enemies?

But, conscript fathers, I cannot dissemble what I hear. Some discourse, which has reached my ears, has been bandied about among people who seem to fear that I have not strength sufficient to put in execution what you shall this day decree. That everything, conscript fathers, has been provided, prepared, and settled, is owing much to my indefatigable care and application; but more to the strong inclination which the people of Rome discovered for retaining their imperial sovereignty, and preserving their common interests. Every man of every rank, nay, of every age, is now waiting without; the forum is crowded; the temples round the forum are crowded; and all the passages to this house are crowded. For, since the building of this city, this is the only case in which the sentiments of the public are unanimous and undivided, except of such as, finding their own ruin inevitable, choose rather to perish with all, than to fall by themselves. Those cheerfully I exclude; those I separate from the rest; those I think are not to be ranked among the number even of degenerated citizens, but inveterate enemies. But, immortal gods! for the rest, in what crowds, with what zeal, with what courage, do they unite in their concern and care of the public welfare and dignity! Why need I here to mention the Roman knights? Who, though to you they yield the precedency in rank and government, yet rival you in love for their country; whom, after a difference of many years, reconciled to a good understanding and unanimity with this order, the present juncture, and the present dangers, now cement with you. A conjunction which, strengthened under my consulate, if we shall perpetuate in the state, be assured that no civil or domestic calamity shall ever hereafter affect any part of this constitution.

With equal zeal in defence of their country, do I perceive the brave tribunes of the treasury to be assembled, together with all the clerks, whom chance had this day fully assembled in the treasury; and whom I now see, not intent upon their private interests, but upon the public welfare. The whole body of free-born citizens, even the meanest, assists. For to whom among them are not these temples, the view of the city, the enjoyment

of liberty, in short, this very light, and this parent soil, not only dear, but pleasant and delightful?

It is of importance, conscript fathers, to observe the zeal of those freedmen who, having, by their merits, purchased the freedom of this city, look on this country as their own: whereas, some born here, and born too to the most distinguished honours, regard this, not as their country, but as a city in the hands of their enemies. But why do I mention those men, and these orders, whom private interest, whom the general good, whom, in short, liberty, the dearest object of life, has roused to the preservation of their country? There is not a slave whose condition of life is not intolerable, who is not shocked at the ruffian boldness of our countrymen; who does not wish these walls to stand; and who will not contribute whatever he dares, whatever he can, to our endeavours for the common safety. Therefore, if any of you are struck with a report that a certain infamous tool of Lentulus runs from shop to shop, endeavouring to tempt and corrupt the minds of the needy and the heedless, know that that, indeed, was begun and attempted; but none were found so wretched in their circumstances, so abandoned in their inclinations, who did not prefer the quiet enjoyment, some of their stall and their labours, and the place where they earned their daily bread; some of their couch and humble bed; and some, in short, of their peaceful course of life; but the greatest part of those who are shopkeepers, nay, in reality, I may say, that whole rank, loves peace: for all their manufactures, all their works, all their profits, are supported by the populousness of the city, and nourished by peace. If their profits were diminished by their shops being shut up, what must they be if burnt to the ground? If the case stand thus, that the guard of the Roman people is not wanting to you, take care that your protection be not wanting to them.

You have a consul preserved from many dangers, from many conspiracies, from the jaws of death itself; not on his own account, but for your preservation. All orders unite in opinion, in desire, in zeal, in courage, and in voice, to preserve the state. To you your parent-country, beset with the brands and the

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weapons of impious conspiracy, as a suppliant, stretches out her hands: to you she recommends herself: to you, the livés of all her sons: to you, the tower and the Capitol: to you, her domestic images: to you, the everlasting fire of Vesta: to you, all the temples and the altars of the gods: to you, the battlements and roofs of this city. This day you are to pass judgment upon your own lives, upon the souls of your wives and children, upon the general interests, upon your houses and property.

You have a leader mindful of you, unmindful of himself; a happiness not always to be met with. You have every order, every man, the whole body of the Roman people, unanimous and united in their sentiments; a circumstance which, in a civil case, before this day, we never knew to happen. Think, think, O Romans! with what toils that empire was reared; on what virtue that liberty was founded; by what munificence of the gods those interests were improved and heightened, which in one night had almost been abolished. This day are you to provide that such treason shall never again be executed, nay, not so much as designed, by citizens; and all this have I spoken, not to quicken you (for your zeal has almost got the start of mine), but that my voice, which ought to lead in matters of government, may appear to have discharged the duty of a consul.

Now, before I proceed, conscript fathers, to take the sense of the house, I must drop a word with regard to myself: I perceive that I am now to encounter a multitude of enemies, equal to the number of the conspirators, which you see is very great; but these I judge to be scandalous and impotent, deserted and despicable. But if ever, through the guilt and frenzy of any one, that faction shall get the better of your and the public dignity, yet never, conscript fathers, will I repent of what I have done, and of what I have devised. For death, with which they may perhaps menace me, awaits us all; but that pride of life, with which I am dignified by your decrees, has hitherto been equalled by none. To others have you decreed thanksgivings for the successful management, but to me alone for the auspicious preservation of the republic. All honour be to

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Scipio; the Scipio whose counsels and courage forced Hannibal to return to Africa, and to depart from Italy. May every distinguished glory await the name of the Africanus who destroyed Numantia and Carthage, those two cities, the inveterate enemies of Roman sway. For ever renowned be Lucius Paulus, whose chariot was graced by the captivity of Perses, a once powerful and glorious monarch. May Marius enjoy immortal honour, who twice delivered Italy from invasion and the dread of slavery. But, above all these, let Pompey be distinguished, whose actions and virtues are bounded by no other climes or limits than those that regulate the course of the sun. Yet, amidst all their extent of glory, some corner must be reserved for my renown, unless you suppose that there is more merit in opening provinces, to which we may retreat, than in taking care that our absent countrymen may have a place to which they may return in triumph.

But in one circumstance the consequences of a foreign victory are preferable to those of a domestic, inasmuch as foreign enemies, reduced by arms, are submissive: if received upon terms, they have a grateful sense of the favour: but citizens who, from base degeneracy, commence the enemies of their country, if you disappoint them of accomplishing the public ruin, no force can constrain, no kindness can reconcile. I see, therefore, that I am to wage eternal war with desperate citizens: a war which I hope I shall easily repel from me and mine, through your and every worthy man's assistance; and by the remembrance of so many dangers which must cleave, not only to this delivered people, but to the tongues and the minds of every nation on earth. Nor, indeed, can any power be so formidable as to penetrate and to shake the union of your order with that of the Roman knights, and this perfect harmony of all well-affected citizens.

Therefore, conscript fathers, instead of command; instead of an army; instead of a province which I neglected; instead of a triumph, and other distinctions of glory, which I slighted, for the preservation of you and this city; instead of my clientships and provincial appointments, which, with my fortune in the city,

I labour as much to support as to acquire; for all these services, for all the instances of my zeal for your interest, and for the pains which ye are witnesses I bestow on the preservation of this republic, all I require of you is, the commemoration of this juncture, and of the whole of my consulate: while that shall remain in your minds, I shall think myself surrounded with an impregnable wall. But should my expectation be disappointed by ruffian violence, to you I recommend my little son. Sufficient shall be his guard, not only to preserve, but to do him honour, if you shall remember him to be the son of the man who, at his own private peril, preserved you all. Now then, conscript fathers, as you propose, determine with quickness and resolution, in an affair that concerns your very being, and that of the people of Rome; your wives and children, your religion and property, your fane and temples, the roofs and mansions of all the city, your empire, your liberty, the safety of Italy, and the whole system of your constitution. You have a consul who, without hesitation, will obey your orders; and while he breathes, will, in his own person, charge himself with the execution and defence of whatever you shall decree.

ORATION FOR L. MURÆNA.

MY lords, according to the practice and usage of our forefathers, on that day when I regularly declared L. Muræna consul at the centuriated comitia, I prayed the immortal gods to render that event happy and prosperous for me, for my consulate, for the people, and for the commons of Rome: I now repeat the same prayers to the same immortal gods, that Muræna may enter with honour and safety upon his consulate; that your sentiments and decision may at the same time be agreeable to the wishes and votes of the Roman people; and that this may be an event which shall bring peace, tranquillity, ease and concord, to you and the public. And if that solemn invocation at the comitia, consecrated by consular auspices, has in it a power and reverence equal to the dignity of the state; I likewise prayed to the gods that the same might be a happy, joyful, and prosperous event to those persons who, while I presided, were chosen into the consulate.

Having said thus much, my lords, since all the power of the immortal gods is either transferred to, or at least participated with you, the same consul who before recommended Muræna to the powers above, now recommends him to your protection; that thus, as he was declared consul by the same voice that now defends him, the favour of the Roman people may be preserved with your welfare, and that of the public.

And because (though in the exercise of my profession) my zeal for defending the accused, nay, my undertaking his defence, is blamed by the prosecutors; give me leave to make some apology for myself, before I enter upon any for my client. Not that I am more zealous to vindicate my profession (at least

upon this occasion I am not) than my client; but that, after having established you in a good opinion of my own conduct, I may, with the greater authority, be able to repel the attacks of his foes upon the honour, the fame, and fortunes of Muræna.

And first, I shall take the liberty to offer a few words as to my appearing on this occasion, in answer to Marcus Cato, who squares the conduct of his life according to the unerring rule of reason, and weighs, with the most scrupulous exactness, the smallest circumstance of every duty. Cato maintains that I was in the wrong to have anything to do with the defence of Muræna; as I am consul, the enactor of the bribery and corruption act, and after behaving with such disinterested firmness in my consulate. The censure of so great a man is a very strong motive with me, why I should not only account for my conduct to you, my lords, to whom I am most bound to do it, but to Cato himself, who is a man of the greatest wisdom and integrity. But, Cato, give me leave to ask you, to whom does the defence of a consul fall so properly as to a consul? With what Roman in the state can I, or ought I, to have more strict connections than with that man to whose support the state, maintained by the greatness of my toils and dangers, was by me alone intrusted? For if in cases of a disposition upon warrandice, the person who enters into a bond is obliged to perform the tenor of the obligation, it is surely more proper upon the trial of a consul-elect, that the person who declared him so, should be the chief instrument of maintaining the favour of the Roman people, and repelling the danger of Muræna.

But, as is common in some states, if the public should appoint a counsel to plead in this cause, that duty would devolve upon one who had borne a public office equal to that with which the accused is invested, that he might thereby employ in the cause he espoused as much authority as ability. And if they who have already made the harbour after a voyage are wont to be very earnest in cautioning those who are setting sail, with regard to tempests, pirates, and shores; because we are by a natural benevolence inclined to be concerned for those

who are entering upon the dangers which we have just escaped; how deeply affected must I, who, having weathered a violent tempest, have now almost made land, be for a man whom I foresee is to encounter the most violent commotions of the state! If, therefore, the duty of a worthy consul leads him not only to look into what is doing, but to guard against what will come to pass, I will, in another part of my discourse, prove how much the common interest requires that there should be two consuls in the government on the 1st of January.

In this situation of affairs it appears that the voice of my country, calling me to undertake the preservation of the public, ought to have been a stronger motive than the duties of my profession, to plead for the fortunes of my friend. As to my passing the bribery and corruption act, it was surely with a view not to abrogate what I had some time before enacted, with regard to myself, in order to repel the dangers of my countrymen. For should I admit, and yet defend the charge of corruption, I should act audaciously, even though that law had been made by another; but as I rest my plea upon Muræna's having done nothing, in this case, against the meaning of that law, why should my passing that law bar my defence?

Cato says that it is inconsistent with that rigid virtue whose words, nay, almost command, drove Catiline out of the city, while he was meditating the destruction of his country within her walls, at the same time to plead for L. Muræna. But I own that I have always had greater pleasure in acting in parts of gentleness and mercy, to which I am formed by nature. As to the character of a rigid severity, that never was of my seeking; but after it was imposed upon me by my country, I sustained it with a dignity becoming the majesty of this empire, in her most imminent danger. But at a time when my country called for firmness and resolution, if I got the better of nature, and acted up to that severity, which was the effect not of choice, but necessity; now that all circumstances invite me to the sentiments of humanity and pity, how passionately fond ought I to be of having this opportunity of gratifying the dictates of my nature and practice! But perhaps. 'in another

part of my defence, I may have occasion to touch both upon my duty as a defender and your conduct as an accuser.'

But, my lords, the complaints of the wise and polite Ser. Sulpicius gave me as much uneasiness as the charge of Cato. Sulpicius says that he is strongly and deeply affected at my having forgotten all the ties of friendship, and undertaken against him the defence of L. Muræna. My lords, it is my earnest desire that I should satisfy this honourable gentleman, and that you should be the umpires.' For as the charge of a breach of friendship, if well founded, is of the most heinous nature; so when the charge is groundless, it ought not even then to be despised. Sulpicius, I acknowledge that in your canvassing I owed you all good offices, and every mark of duty; for these were due to our mutual friendship, and I hope I have performed them. While you was a candidate for the consulship, nothing was wanting in me for your service that could be required, either of my friendship, my interest, or my influence as consul. But those days are over: measures are altered. It is my opinion, and firm persuasion, that you could demand nothing of me which I ought not to have performed against Muræna's preferment, but that I owe you nothing against his life. While you sued for the consulship, I was always ready at your call; but I do not think that for that reason, I am obliged to assist you now you sue for the life of Muræna. Surely it is not only not commendable, but not allowable, for any man to refuse the lawful defence of the merest stranger, even though he is prosecuted by our dearest friends.

But, my lords, a long intimacy has subsisted betwixt Muræna and me; an intimacy that must not be stifled in a capital impeachment carried on by Sulpicius, merely because it gave way when the struggle betwixt them was only for preferment. But were this not the case, yet the very dignity of his person, and the eminence of the rank he holds, must brand me with the highest infamy for pride and cruelty, had I rejected a cause which immediately endangered a man rendered so illustrious by his own virtues, and the honours conferred on him by the people of Rome. For I am not now at liberty to refuse my assistance

in relieving the distresses of mankind. Because, after having been more nobly rewarded than ever any yet was, acting in this sphere, I must behave like a crafty, an ungrateful person, should I, after obtaining the reward, lay aside the toils by which I obtained it.

Joyfully would I embrace repose, could I do it by your advice, without incurring the scandal of indolence, the imputation of arrogance, and the reproach of inhumanity. But if my declining toil, my refusing the suppliant, and neglecting my friends, should render me liable to the charge of supineness, pride, and effrontery, this surely is a cause which no man who has spirit, compassion, or sense of duty, can abandon. But you, Sulpicius, may, from your own practice, easily form a conjecture how you would behave in this case: for if you think you are bound to give your opinion, even to the adversaries of your friends, should they consult you upon a point of law; and if you think it scandalous, were you his chamber-counsel in such a case, that the very person against whom you appear should be cast; be not so partial, while the copious streams of your advice are open to your enemies, as to think that the little rivulets of my ability should be shut to my friends.

For if your friendship had prevailed with me from undertaking this cause, and if that had likewise been the case with the illustrious Q. Hortensius, M. Crassus, and others, who I understand have the greatest regard for your favour, a consul-elect would then have been at a loss for a defender in a city where our ancestors never suffered even the meanest of the people to be without counsel upon their trial. For my own part, my lords, had I abandoned a friend when distressed, and a consul, I should have looked upon myself as reprobate, barbarous, and arrogant. Therefore, largely will I pay the duties I owe to friendship, by treating you, Servius, as if you were my dearest brother. As to the duties of my profession, my honour, and my obligation, I will act with such decency as shall show that I remember I am acting against the desire of one friend, for the preservation of another.

I apprehend, my lords, that this whole charge consists of

three parts: the first, the immorality of life; the next regards a competition for dignity; and the last, his acts of corruption.

As to these three charges, the first, which should have been the most weighty, was so weak and trifling, that they were forced to touch upon the morals of Muræna, rather because it is the fashion in all impeachments, than because they have any real grounds for reproach. They throw Asia in his teeth, a country which Muræna did not visit for the purposes of pleasure and luxury, but measured by the toils of military duty. If he had not in his youth served under his father's command, it might have seemed as if he had feared an enemy, or his father's discipline; or, as if that father had rejected him: but if custom indulges sons, especially before they are of age, to sit in the triumphal chariots, was Muræna to decline adorning the triumph of his father with military trophies, since his actions seemed to give him a right to an almost equal glory with his father in the triumph?

But for Muræna, my lords, he bore a great share in encountering the dangers, relieving the fatigues, and congratulating the victories of his gallant father. And if that country lies under any imputation of luxury, it is the glory of Muræna, not that he never saw it, but that he lived in it with temperance. Therefore the name of Asia ought not to have been any objection to Muræna, since from Asia the glory of his family, the reputation of his race, and the honour and renown of his own person, are derived. But his accusers are to prove some scandalous actions that he either practised in Asia, or has imported from it. But to serve in a war, not only the greatest, but the only one then carried on by the people of Rome; to serve with cheerfulness in an army which his father commanded; to obtain at the end of his service the victory and triumph of his father, are proofs of his courage, his piety, and his felicity. There can be no room for reproach in those transactions, because their whole extent is filled with his glory.

Cato calls L. Muræna a dancer. If this charge is well founded, it is the charge of an eager accuser; but if without foundation, it is the language of slanderous reproach. There-

fore, M. Cato, a man of your great weight, ought never to snatch a charge from the mouths of the rabble, or the low malice of buffoons; nor ought you rashly to call a consul of Rome 'a dancer, but to consider what other vices must necessarily centre in the man who is subject to such a charge. For scarcely any man who is free from drink, and has at the same time the exercise of reason, ever dances; it is never practised when people are alone, or at their sober, decent entertainments. Dancing is the utmost extravagance attending long-continued debauch, delightful scenes, and numerous enchantments of pleasures. You prematurely catch at a charge which necessarily must be the result of all other vices; and you omit those charges without which it is absolutely impossible for this vice to exist. You have offered no evidence as to his scandalous entertainments, as to his amours, his debauches, his lusts, or his prodigality; and if none of those charges can be fixed, which are accounted pleasures, and are in reality vices, do you imagine that you can find the shadow of luxury in the man upon whom you cannot fix the substance?

Can nothing then be objected to the morals of Muræna? Nothing at all, my lords. The consul-elect, for whom I now plead, has no charge brought against his morals, no instance of fraud, none of avarice, none of treachery, none of cruelty, none of any indecency of expression! It is well: the foundation of my defence is laid: for I have not yet pleaded in his defence my own sense of his merits, which I shall afterwards do; but I have proved him to be a worthy, virtuous man, almost by the confession of his adversaries. Having done this, it will be more easy for me to enter upon the dispute with regard to his dignity, which was the second part of the charge.

I can perceive, Servius Sulpicius, that you have all the dignity which the highest quality, virtue, application, and all other accomplishments, can bestow, and that these give you an undisputed title to aspire to the consulate. I know that Muræna is your equal in all those qualifications, and so much your equal that no man is superior to him; nor is he superior to you in dignity. The blood of L. Muræna you have despised; your own

you have exalted. Upon this head, if you lay it down as a principle that none but a patrician is of an honourable race, you seem again to summon the commons of Rome to the Aventine mount. But if there are plebeians of illustrious and honourable families, then the great grandfather, and grandfather, of L. Muræna were prætors; and his father, after having had a noble and glorious triumph the year after his prætorship, by this means rendered the accession of his son to the consulship more easy, because he only demanded for himself what was due to his father. As to your quality, Servius Sulpicius, though it is the highest, yet it is more known amongst learned men and historians than to the people while assembled together to give their votes: for your father was a Roman knight; and your grandfather was distinguished by no particular character of glory. Wherefore the nobility of your race does not live upon the tongues of your contemporaries, but must be ransacked out of the antiquity of old chronicles; therefore I always used to rank you in my own class; because, though you was but the son of a Roman knight, you have raised yourself, by virtue and application, to be esteemed equal to the highest honours of your country. Nor did I ever think the brave Quintus Pompeius, though but a new man, fell short, in virtue, of the noble Marcus Æmilius; because it showed the same soul and spirit to transmit, as Q. Pompeius did, that renown to his posterity, which he has not received from his ancestors; as appears in Scaurus, who, by his virtue, renews the almost extinct glories of his race.

I imagined, my lords, that, by my toils, I had effectually prevented the obscurity of birth from being an objection to many brave men, who were before eclipsed by the vaunted names, not only of the Curii, the Catones, the Pompeii, all of them old Romans, and of the greatest courage, yet of new families, but by those also of later date, the Manii, the Didii, and the Celii. But when I, after such a distance of time, had broken through that barrier of the nobility, so as to render, for ever after, the access to the consulate as open to virtue as to nobility (for so it was in the days of our ancestors), I did not imagine that the prosecutors would bring the newness of a

family in dispute, when a consul-elect, of old and illustrious descent, was defended by a consul who is himself the son of a Roman knight. For I myself happened to stand in competition with two patricians; one the most wicked and audacious, the other the most modest and virtuous, of mankind; yet in dignity I was superior to Catiline, and in interest to Galba; and surely, could my success have been charged upon me as a crime, because I was a new man, I never should have been spared by those who either opposed or envied me.

But to leave this subject of their birth, in which both are eminent, let us proceed to the other points. Says he, "He stood with me for the quæstorship, and I was first declared." It is unnecessary to answer every particular; for all of you, my lords, are sensible that when many candidates are equal in dignity, and only one of them can have the preference of the others, the degree of dignity is no rule for that of the declaration; because the declaration gives a rank, whereas all of them are oftentimes equally entitled by their dignity. But the quæstorship allotted to each was almost of equal importance. My client had the allotment of a province, easy and quiet, by the Titian law; whereas you had that of Ostia, which, generally upon the quæstors' drawing lots for the provinces, is flouted, as being attended with more business and fatigue than power and honour. The reputations of neither of you made any progress in your quæstorship; for your fortune had given neither of you a field for exerting and approving your virtues. Your conduct, during the rest of your time, is now to be examined; wherein the one took a quite different course from the other. Servius here enlisted himself in our city service of giving opinions, drawing up rules, and making out securities; painful and provoking business! He studied the civil law: great was his vigilance, great was his application; and many did he assist. He bore the impertinence of numbers; he put up with their arrogance, and digested all their difficulties; he lived to please others, and not himself. Great is that glory, and commendable with mankind, when one man toils in the science by which thousands are to profit.

What was Muræna doing in the meantime? He served as lieutenant-general to that wise and accomplished person, and great general, L. Lucullus. In this post he was at the head of an army; he joined battle, defeated the numerous troops of the enemy, and took their towns, partly by storm, and partly by siege. He marched over the rich and voluptuous country of Asia, without leaving behind him the least mark either of avarice or luxury, and behaved in that great war in such a manner as to perform many great and important services without his general; but his general none without him. Though I speak this in presence of Lucullus, yet, lest it should seem in consideration of my client's danger, that he had given him the liberty of transgressing the bounds of truth, give me leave to say that I have not advanced anything that is not warranted by public letters, in which L. Lucullus attributes more glory to Muræna than any general who is biassed, either by ambition or envy, will ever allow to another in the division of fame.

Both competitors are men of the strictest honour and highest quality; and would Servius give me leave, I would put the dignity of both upon the same level; but he will not. He reproaches his military capacity, inveighs against all his service in the lieutenancy, and thinks that the consulate is due only to application, and our droning daily exercises. "Have you served me (says he) so many years in the army, without coming near the forum? Have you now, though at such a distance of time, come to dispute a point of precedency with those who have dwelt in the forum?" In the first place, Servius, you are ignorant how much disgust and loathing this constant appearance of ours sometimes creates. It was, indeed, extremely convenient for me that my popularity was founded upon my daily appearance in public; yet it was with great application that I got the better of this distaste to my person. You, perhaps, have done the same; yet our keeping sometimes at a distance would have been no dis-service to either of us.

But dropping this reflection, let us return to the dispute betwixt their different pursuits and professions. Will any man

alive make a doubt that military accomplishments give much more dignity to a candidate for the consulate, than any excellency in the civil law? You get up long before daylight to give counsel to your clients; and he, that he may arrive in good time with his army at the end of his march. You are awakened by the crowing of a cock, and he by the sound of trumpets. You draw up a process, and he marshals an army. You make out securities for clients; he for towns and camps. He knows how to guard against the attacks of an enemy, and you against the inconveniency of a drain or water-spout. He is employed in enlarging territory, and you in regulating it. And if I may speak my sentiments, it is but just that military glory should have the preference of any other.

To this, the renown of the Roman people, and the eternal glory of this city, is owing: it was this that forced the world to submit to our empire: it is military glory that guards, protects, and covers all these our domestic transactions, all these noble studies of ours, and all this our pre-eminence and application in the forum; for no sooner does the least whisper of any public disorder arise, than all those arts of ours are silenced.

Because you seem to fondle your favourite profession of the civil law, as if it were the darling of your bosom, I will not suffer you to continue any longer in so great a mistake, as to imagine that there is any glory in this (what shall I call it?) which you have learned so laboriously. It was from other virtues, such as continence, decency, justice, honour, and every other good quality, that I always judged you to be most worthy of the consulship and every distinction of honour. By learning the civil law, I will not say that you have lost your labour; but I will venture to say that there is nothing in that study which can pave your way to the consulship: for all the arts by which we recommend ourselves to the affections of the Roman people, ought to be venerable by their dignity, and endearing by their utility.

They who excel in military accomplishments are possessed of the highest dignity; for all the civil polity of this empire and city are supposed to be protected and established by them.

They are likewise of the highest utility; as it is by their conduct and dangers only that we can enjoy either public liberty or private property. Eloquence, likewise, is efficacious, and full of dignity; as it has been often prevalent in the choice of a consul, by its address and language, to touch the affections of the people, the senate, and the judges. The public requires a consul whose eloquence can sometimes compose the madness of tribunes, command the fury of the people, and stop the current of corruption. It is therefore no wonder if some who are not noblemen have, by this art, attained to the consulship; especially as, at the same time, it procures the strongest interests, the firmest friendships, and the warmest zeal; advantages, Sulpicius, of which this trade of yours is absolutely destitute.

In the first place, where can there be any dignity in so trifling a science? For the subjects of it are minute, and consist almost entirely in canvassing single letters, and the stops of sentences. In the next place, though our forefathers used to gaze with admiration at that study, now, that the whole mystery is divulged, it is quite despised, and disregarded. Very few people knew whether an action could be brought or not; for almanacks were very uncommon. Those who were consulted upon this head were looked upon as powerful men, and they were repaired to as to so many astrologers, to tell even the proper terms of actions. At last, a scribe, one Cn. Flavius, outwitted the outwitters of mankind, by setting up almanacks, with the proper distinctions of days, to the public view, and pilfering the very lawyers themselves of all their knowledge. Therefore, in great wrath (because they were afraid that if once the method of knowing the proper days was published, people might bring actions without their help), they contrived a kind of a shorthand, by which they themselves might be employed in all causes. Yet people might very conveniently have gone to law in this manner. Says one, "That Sabine estate is mine." "No, 'tis mine," says another. "Then give judgment." "By no means; this will not do," says the Civilian. "Those premises which lie in the Sabine country, commonly so called,"—Verbose

enough of all conscience. Well, what next? "I claim by virtue of the common laws of the land as my property." What then? "And therefore I hereby give you fair and special warning to move off the premises." The defendant was then quite at a loss for an answer to this bead-roll of law-terms. And then the same lawyer goes on, like a country ballad-singer, in the same cant, "From those premises off of which you have given me fair and special warning to move, I hereby give you warning to move in like manner." In the meantime, lest the prator should imagine himself happy in having nothing to do with this gibberish, and think himself capable to say something out of his own head, a cant was composed for him likewise, both silly and insignificant. "The bodies of both parties being present, you are to advance this way." Now the same sage who was to instruct them to advance, was upon the spot. Says he, "Return this way:" then they return under the same guide. Even with those long-bearded gentlemen, this was thought a ridiculous farce; that men who were standing uprightly and conveniently upon a place should be ordered to move off, in order immediately to return to the same place.

Everything was infected with the like impertinences, as, "With fear I behold thee personally present in court;" and "But do you comply with the form, to elude the judgment?" While these things were secrets, it was necessary to have recourse to those who possessed them; but after they were published, and came to be more nearly examined, and canvassed, they were found quite void of all meaning, but brim-full of roguery and folly. All the noble institutions of the law were mostly debauched and depraved by the quirks of lawyers: they required women of all denominations to be under covert of guardians, because they were the weaker vessels; but lawyers invented a set of guardians whose powers are regulated by their wards. Our ancestors were willing to perpetuate religious rites; but these gentlemen, the lawyers, were ingenious enough to find out old men to destroy those ordinances, by making imaginary bargains and sales. In short, through the whole system of the civil law, they have abandoned the equity of the

intention, and stuck to the letter of the law. As, for instance, they concluded that all women who were married by contract had the name of *Caja*, because that word was found in some of their books. And even at this time, it is surprising to me that so many ingenious men, for so long a tract of years, have not been able to ascertain when it is proper to use the word third day, or the day after the morrow; judge or arbiter; an action or a plea.

Therefore, as I have already said, there never was any consular dignity, and far less any excellency, in that knowledge which consists entirely in forgery and imposition. For a thing must be very disagreeable that is prostituted to every person, and equally serviceable to me and my antagonist. Therefore, you have lost not only all the hopes of being of advantage to society, but even the forms of which you have so long enjoyed, of, "Give us leave, sir, to apply for your opinion." No one can be accounted a man of sense for his skill in a knowledge which never was useful without the walls of Rome, and in vacation-time is useless in Rome itself. No man can be said to be cunning in a matter which is so well known to all mankind, that it is impossible there should be any dispute about it. And a thing is not thought to be difficult which is contained in a few, and those plain, writings. Therefore, though I have a great deal of business upon my hands, if you provoke me, I will take my degrees as a Civilian in three days. For there are certain forms already reduced to writing, that serve for all the writing business of this profession. And there is no writing can lie in so narrow a compass as that I cannot perceive its drift. As to the consultive part of the business, one runs no risk at all in giving his opinion: if you give a right answer, he will think it agrees with that of *Servius*; if not, he will think that you know how to manage the controverted points of law.

Therefore the military glory of my friend is not only preferable to your forms and actions; but even the practice in speaking is far more conducive to the attaining of public honours, than the whole compass of your profession. So that it would seem to me that most of those professors, having first

aimed at eloquence, but failed as orators, then sunk into Civilian's; as we say of Grecian players, that an indifferent harper may make an excellent piper. Thus we see some people who cannot make speakers, fall into the profession of lawyers. Great are the toils of eloquence; its business is important, its dignity eminent; but its popularity is all-commanding. For you are applied to for remedies; but they, for health itself. Besides, your opinions and decisions are often overturned by the force of eloquence, and can never be strong, but by the pleading of an orator. Had I made sufficient progress in this art, I should be more sparing in its praises; but, at present, nothing I say is applicable to myself, but to those who either are or have been eminent for eloquence.

There are two arts capable of placing mankind in the highest degree of dignity—that of a good general, and that of a good orator; for by the last, the beauties of peace are preserved; and by the first, the dangers of war are repelled. Other virtues are, in their own nature, of great prevalence: such as justice, honour, modesty, temperance; virtues in which you, Servius, are universally allowed to excel. But the dispute now is with regard to those accomplishments which lead to pre-eminence, and not upon the intrinsic merits of particular persons. All these studies drop out of our hands as soon as any sudden commotion gives the alarm for war. For as an ingenious poet, of great authority, observes, “When war is declared, not only that wordy ape of good sense, but wisdom herself, the mistress of things, is expelled the field. All business becomes the business of the sword. The speaker falls into contempt.”

Not only the disgusting, prattling speaker, but even

“All-beauteous eloquence resigns her charms
To the grim soldier, dress'd in horrid arms.”

As for your profession, it is then entirely trampled under foot. The poet proceeds,

“’Tis not the form of law that fixes right,
But the bold hand that knows to dare in fight.”

If this is the case, Sulpicius, in my opinion the forum must yield to the camp, repose to warfare, the pen to the sword, and a shady retirement to the scorching sun. To conclude, that profession must be most eminent in a state which gives that state the pre-eminence over all others.

But Cato tells you that I have exaggerated all his achievements, and have forgot that all the Mithridatic war was a war with women. My lords, I happen to be of a quite different opinion. I will take up your time with but a very few words with regard to that war, because the stress of my cause does not rest upon it. For if all our wars with the Greeks are despicable, we may laugh at the triumph of M. Curius over king Pyrrhus; of T. Flaminius over Philip; of M. Fulvius over the Ætolians; of L. Paulus over king Perseus; and Q. Metellus over Philip the pretender; of L. Mummius over the Corinthians. But if these wars are wars of importance, and if these victories were very considerable, why do you despise Asia as a nation, and Mithridates as an enemy?

Nay, I perceive in the old records of our history, that even our most important war was betwixt the people of Rome and Antiochus. When L. Scipio had, with his brother Publius, put a glorious end to that war, he added to his own name the same honour from Asia, as his brother, upon his conquering Africa, had before added to his. It was in this war that your great grandfather, Marcus Cato, eminently distinguished himself by his courage; and if he (as I imagine him to have been) was then such a person as you are now, he never would have served under Scipio, if he had thought he was to fight with women. Nor, indeed, would the senate have been at pains to prevail with Scipio to have gone as lieutenant to his brother, when he had just driven Hannibal from Italy, banished him out of Africa, demolished Carthage, and freed his country from the most imminent dangers, had it not been thought a weighty and a bloody war.

And if you deliberately consider the power, the actions, and the noble qualities of Mithridates, you will find reason to prefer this prince to all the princes that ever waged war with the

people of Rome.. He was a prince whom Lucius Sulla, who (to say no greater things of him) was no raw commander, while at the head of a numerous and brave army, thought fit to suffer to depart in peace; though he had offered him battle, and spread the terrors of war over all Asia: a prince whom L. Muræna, my client's father, after having harassed with indefatigable activity and diligence, in a great measure left checked, but not conquered: a prince who, after taking some years for establishing his finances, and recruiting his armies, recovered so much power and spirit, as to think of joining the ocean with the Pontic sea, and the troops of Sertorius with his own!

Two consuls were sent to this war; and such was the plan of their operations, that the one was to fall upon Mithridates, and the other to cover Bithynia: but the situation of the latter, both by sea and land, proved so miserable, that it was a great addition both to the power and glory of Mithridates. Lucius Lucullus, however, performed so many great actions, that we have no war upon record more important, or managed with greater conduct and courage: for when the whole collected force of the war lay at the walls of Cyzicum, when Mithridates imagined that, could he break through and demolish this city, which he thought to be the gate of all Asia, the whole province would be quite laid open, Lucullus acted so effectually, that this city of our most faithful allies was preserved, and all the troops of the king dwindled away by the length of the siege. But how! do you imagine that the sea fight at Tenedos was a petty engagement, and an inconsiderable conflict; when the enemy's fleet, with full sail, and under the most fierce leaders, flushed with hopes, and big with expectations, was making for Italy? I will say nothing of the battles, nor of the sieges and storms, which happened. After the monarch was driven from his kingdom, so prevailing was his address and authority, that being joined by the king of Armenia, he was reinforced by fresh power and other troops.

Were I now to touch upon the actions of our army, and its general, I might enlarge upon many great battles; but that is not my present business. However, I will venture to say that

if this war, this enemy, and that monarch had been despicable, the senate and people of Rome would never have thought it needful to use such precaution in undertaking it: it never could have lasted so many years: it never could have been so glorious for L. Lucullus: nor would the Romans have been so zealous to entrust the finishing it to Cn. Pompeius. And, indeed, of all the innumerable battles of this general, the most bloody, in my opinion, was that with Mithridates, which was fought on both sides with the greatest obstinacy. Escaping from this battle, that monarch fled to Bosphorus, whither it was impossible for our army to follow him. yet even in this lowest ebb of fortune, nay, while he was flying, he still preserved the reputation of a monarch. Therefore, after Pompey himself had seized the kingdom, after driving his enemy out of all his territories, and from all his well-known haunts, such was the account he made of this one man's life, that, though he possessed, by right of conquest, all that Mithridates held, had attacked, or aspired to, yet he did not conclude the war to be finished till he had driven Mithridates out of the world. Do you, Cato, despise as an enemy this man, whose arms, for so many years, sustained so many battles, and employed so many of our generals? Whose life, even in expulsion and exile, was held to be of such importance, that the war was not thought to be ended till the news came of his death? It is in this war, I contend, that L. Muræna acted as lieutenant-general with a most undaunted courage, the most consummate prudence, the most indefatigable toil; and that those qualities have as much dignity in them to recommend him to the consulate as we are entitled to by all our application in the forum.

Ay, but Servius was first declared, when he stood for the prætorship. Will you go on dunning the people, as if you were doing it upon a note of hand, that if they once give precedency to a man, he has a right to the same in all his succeeding offices? Do you think that the waves of any sea, or of Euripus itself, are tossed and agitated with more violent and various workings than the tumults and tides that happen in a popular election? One day intermitted, or one night intervening, often

throws everything into confusion; and the smallest whisper of a report frequently alters their whole inclinations. We often meet with disappointments without any visible reason; and the people sometimes stare at what is done, as if they themselves had not done it.

Nothing is more fickle than the vulgar, nothing more dark than the breast of man, and nothing more delusive than all the business of elections. Who could have thought that the wise, diligent, popular, and noble L. Philippus could have been baffled by M. Herennius? Or Q. Catulus, so eminent for humanity, wisdom, and integrity, by Cn. Manlius? Or M. Scaurus, so respectable a person, so worthy a patriot, and so brave a senator, by Q. Maximus? People were so far from expecting such a reverse, that, even after the thing was over, they could not account by what means it had happened. For though certain constellations sometimes occasion storms, yet they often happen suddenly, without any visible reason, and from some unaccountable cause. Thus it happens in the tempests of popular elections; you often understand the motive by which they rise; but sometimes they are so obscure, that it seems to be owing to chance.

But, if we must give a reason for it, two things were exceedingly wanted in Muræna's prætorship, which were of great service to him when he was chosen consul. The first was, an exhibition of shows, the expectation of which was swelled by certain reports, and industriously propagated by his competitors. The other was, that they who had been witnesses of his liberality and virtues, while he served as lieutenant in his province, had not yet quitted the province to come to Rome. Fortune reserved both these for his solicitation of the consulate. For the army of P. Lucullus, which was assembled for his triumph, was then at Rome, and assisted Muræna in his applications; and in his prætorship he gave a most magnificent exhibition of shows, which were wanting when he was a candidate. Were these, in your eyes, ineffectual and trifling helps to a consulship; I mean the favour of the army, an army so powerful by their numbers, so dear to their own friends, and

whose votes have such decisive authority with the whole people of Rome, in declaring a consul? For generals, and not word-mongers, are the most successful candidates at a consular election. What prevailing eloquence is there in a speech like this: "He relieved me when I was wounded; he enriched me with the plunder of the enemy; he was my general when we entered the camp, and when we fought the battle; he imposed no more fatigue upon the meanest soldier than he took to himself; and he is as brave as he is fortunate."

How prevailing must this be to win the good report and the good-will of mankind! For if the religious observances of those elections are such, as that a powerful omen is always drawn from the prerogative tribe, are we to be surprised that the fame and the speeches of my client's good fortune had a decisive influence upon this occasion?

But if you account all these considerations, weighty as they are, to be trifling, and prefer the interests of citizens to that of soldiers, you surely will not venture to express any great contempt for the elegance of Muræna's plays, and the magnificence of his scenery, which did him so much service. Need I put you in mind that the people, and the unthinking vulgar, are captivated by those plays? It is therefore the less matter of surprise. But this observation is enough for my purpose; for an election is composed of the collective body of the people. Therefore, if the magnificence of plays is the delight of the people, we are not to wonder that they recommended him to their votes. But if we ourselves, who are debarred from all pleasure, by the hurry of business, and who can have many other amusements, even while we are busied, are yet pleased and amused by shows, can you be surprised at this in an illiterate multitude?

My brave friend, L. Otho, has restored the equestrian order not only to their dignity, but to their diversions; and this makes the law which regulates plays the most agreeable of all others; because this most worshipful order have hereby recovered both their splendour of rank and the advantage of their pleasures. Therefore take my word for it, that not only

they who confess, but they who dissemble, their being pleased with such amusements, are delighted with them, as I myself experienced when I was a candidate; for we, too, met with opposition from the stage. If I then, who, when ædile, had thrice exhibited plays, was alarmed by those of Antonius, can you, who happened to exhibit none, imagine that this very silver scene exhibited by Muræna, which you so much laugh at, was of no prejudice to your cause? But suppose all these circumstances betwixt you were upon a level; the accomplishments of the forum to be equal to those of the field; the election interest of the citizens equal to that of the soldiers; nay, supposing it were the same thing to give the most magnificent show, and no shows at all; yet do you imagine that there was no difference betwixt your allotments in the exercise of the same prætorship?

His allotment was that which all of us, your friends, wished to have been yours; that of deciding causes; an allotment in which the importance of the charge conciliates glory; and the distribution of equity, popularity. It is an allotment which gives a wise prætor, such as Muræna was, an opportunity of avoiding everything that is obnoxious, by the equity of his decisions; and engrossing everything that is favourable, by the gentleness of his demeanour on the bench. Such a province was a noble introduction to the consulate; a province in which the merits of his equity, integrity, and affability, were crowned by the engaging exhibition of public shows.

But what an allotment was yours? Melancholy and ungracious. An inquiry into embezzlements: the one side filled with tears and filth; the other with chains and evidences; juries pressed into the service of the public, and detained against their inclinations; and the order disoblged by the condemnation of one single scrivener their brother; the bounties of Sulla found fault with; many brave men, and almost half the city, disoblged; costs of suit severely taxed; they who are pleased forget, and they who are vexed remember. At last you refused to go to your province. I cannot blame you for a conduct which I myself approved of, both when prætor and consul. But at the same time the province of L. Muræna procured him a great

deal of useful popularity with the fairest of characters. In his journey thither, he made a levy in Umbria; and here the government gave him an opportunity of displaying his generosity, by which means he won over to his interest a great many tribes which are composed out of the corporations of Umbria. When he arrived in Gaul, such was his equity and application, that he enabled our collectors to recover a great many desperate debts. In the meantime, to do you justice, you was very serviceable to your friends at Rome: but give me leave to put you in mind, that some people grow very cold in their friendships towards those who, they have learned, despise their provinces.

Having thus, my lords, shown that the dignity of Muræna and Sulpicius, as candidates, was equal, but that the allotment of their provincial business was very unequal; I may now declare more plainly in what circumstances my friend Servius was inferior to the other; and now that the occasion is over, I will tell in your hearing what I have often told to himself in private, while the election was depending. I have often told you, Servius, that you did not know how to go about a solicitation for the consulship, and even when you was managing those affairs, in which you spoke and acted with a generous and a noble spirit, I used then to tell you that, in my opinion, you made rather a brave senator than a wise candidate. In the first place, the terrors and threats of an impeachment, which you were every day throwing out, prove you to be a brave man; but at the same time they alienated the affections of the people from favouring your hopes of success; and they weakened the zeal of your friends for your interest. I cannot account for it, but this is always the case; I have now observed it, not in one or two instances, but in many, that as soon as a candidate discovers any disposition to become an impeacher, he is thought to despair of the honour he aspires to.

But how! Are we to put up with an injury? Not for the world; but there is one time for soliciting, and another for prosecuting. I would have a candidate, especially for the consulship, be introduced into the forum, and field of an election,

with great hopes, a great spirit, and a great party. I do not love that a candidate should be prying about for evidence; it is the forerunner of a repulse: I do not love it when he is procuring witnesses instead of votes; when he is threatening instead of flattering; when he is making declamations instead of paying compliments: especially since it is now lately come into fashion for the candidates to run about the houses of almost all their electors; who are able to judge, by the appearance they make, both of their hopes and their interests. Do you not see what a sullen and sneaking air that fellow has? Why, he is kicked down; he desponds; he is an arrant coward. Immediately the rumour steals round, what do you not know that he is hatching an impeachment? That he is prying into the conduct of his competitors? That he is searching after evidence? I'll be for another; for this man has given up his own cause. The nearest friends of such candidates are immediately damped. They lose all their zeal for what they had avowedly engaged in, and either give up their interest, or they reserve all their service and influence for the judgment and the trial that is to ensue.

We may add to this, that the candidate himself cannot employ the whole of his spirit, care, pains, and application upon his solicitation; for his mind runs likewise upon the impeachment, which, far from being a trifling consideration, is perhaps the most important of all others. For it is a very difficult matter for you so to dispose matters, as that you should be able to drive any man out of his country, especially a man who is neither destitute of money nor interest; one who is defended by himself, by his friends, yea, even by strangers: for we are all ready to hasten to repel danger; and where no declared enmity subsists, we perform the most friendly offices and duties to the merest strangers who are in danger of capital punishment. Therefore, from my own experience, I will tell you my sentiments of the difficulties of a candidate, a defender, and a prosecutor. The candidate requires indefatigable application; the defender, attendance; and the accuser, labouriousness. So that, in my opinion, it is next to impossible for any man to act

the part of an accuser and a candidate for the consulship at the same time, with tolerable grace and ability. Few people can support either of these characters; but no man both. When you turned aside out of the career of a candidate, and transferred your thoughts to the business of an impeacher, did you imagine that you was capable of discharging both duties? If you did, you was mightily mistaken: for let me ask you, whether, after you had openly professed yourself an impeacher, you had ever one day that you did not spend entirely in that business?

You wearied the public for a law against bribery and corruption, though at the same time you had no occasion for it: for the Calphurnian law was very strict upon this head: a due deference was shown to your desire and dignity. But the whole of that law, which perhaps would have strengthened your accusation, had the defendant been guilty, disappointed your solicitation. You applied with great earnestness for a more severe punishment upon the commons; and the poorer sort were alarmed. A bill was brought in to render our order liable to exile; the senate granted your request, but it was with difficulty that you brought them to multiply pains and penalties upon those of a middling fortune. A punishment was annexed to all excuses of illness: this gave great disgust to many, who were obliged either to consult their interest at the expense of their health, or their health at the expense of their abandoning all the future advantages of their lives. Give me leave now to ask you, who made the motion for these severities? The man who was determined to it by the authority of the senate, and by your commands. In short, the man who was to reap the least advantage from them. Do you imagine that you was put under a slight inconvenience by your zeal for that act, which the senate in a full house rejected, to my great satisfaction? You struggled hard to introduce a confusion of votes, a suspension of the Manilian law, the placing all popular interest, dignity, and election upon a level. Men of consideration and interest in their own cities and corporations were extremely disgusted, that a person of your weight should struggle for the abolishing all degrees of dignity and favour. You likewise was for

special commissions of inquest, that the secret rancour of citizens, which is now confined within the bounds of silent aversion, should break out against the fortunes of every worthy patriot.

All those regulations opened your way to success as an impeacher, but barred it up as a candidate. And I told you again and again, that this was the greatest blow ever given to your interests as a candidate. The ingenious and eloquent Hortensius has already spoken to this point very fully and solidly: therefore the province of speaking that falls to my share is the more difficult: since both Hortensius and Marcus Crassus, a person of the greatest dignity, application, and eloquence, have already spoken on this head; and thus I am left not to plead to any part of the merits of the cause but to tell my opinion upon the whole of the matter. Therefore I must both speak almost to the same heads with them, and anticipate your judgment, which is all, my lords, I can do.

What a mortal blow, Sulpicius, did you give to your pretensions, when you gave the Roman people alarming reasons to apprehend that Catiline would be consul, while you dropped your solicitation, and was busied in preparing an impeachment! They observed you with a thoughtful air, collecting evidence. They took notice of the concern of your friends, their prying, their affidavits, their closeting witnesses, the caballing of solicitors; all which, no doubt, throw a gloom upon the looks of candidates. In the meantime they saw Catiline gay and cheerful, attended by a circle of young gentlemen, encompassed by informers and assassins, flushed with his hopes in the soldiery; and, as he pretended, with the promises of my colleague; while a whole army of Arretine and Fesulan planters were swarming round him: a very motley crowd! but those who were struck with the thoughts of the public calamity in Sulla's time, made the greatest figure in it. The countenance of Catiline himself was full of fury, his eyes of guilt, and his language of arrogance: so that he seemed to have made himself as sure of the consulship, as if he had it locked up in his own house. He despised Muræna, and looked upon Sulpicius,

not as his competitor, but his prosecutor; he threatened violence to him, and destruction to his country

I need not put you in mind with what a dread all this struck every man of virtue, and how desperate the condition of the public appeared. You may recollect this within yourselves: for you have not forgot the language which that infamous gladiator is said to have used in a meeting at his own house, when he affirmed, "That it was impossible for the wretched to find a faithful protector, but in the person of one as wretched as themselves; and that the afflicted and miserable ought never to trust to the promises of the healthy and the happy. And therefore, they who were willing to regain what they had spent, and recover what they had been robbed of, ought only to consider how much they owed, how much they possessed, and what they dared to do. That the man who aspired to be a leader of the unhappy, ought to have very little fear, and a great deal of misery."

When these accounts were published, you may remember that upon my motion, a decree of the senate was made to adjourn the elections appointed for the next day, that we might consider in the senate how we should act upon such an occasion. Wherefore, the next day, in a full senate, I called upon Catiline, and commanded him to make what defence he could as to those facts which I had been informed of. As he was always very frank, he did not pretend to deny them, but owned and justified the charge. He then told us, "That the state had two bodies, one sickly, with a weak head; the other sound, but without any head at all; and that the latter, while he was alive, should not be without a head, since he was so much obliged to that body." The senate, in full assembly, was heard to groan, but without coming to any resolutions equal to the severity which his insolence deserved; for one half thought it needless to come to any vigorous resolutions, because they were not afraid; and the other half durst not, because they were afraid. He then broke out of the senate with a triumphant joy, though it was absolutely improper he should have ever gone out of it alive; especially, since a few days before, when the brave Cato, in the

same assembly, was threatening and declaring that he should be brought to justice, he answered, that if any combustion happened in his fortunes, he would extinguish it, not with water, but with ruin.

Being alarmed by all these circumstances, and knowing that Catiline was bringing down his conspirators in arms to the field of election, I came to that spot, with a very strong guard of brave men, clothed as I was, in that broad remarkable mail, which I did not wear that it might defend me (for I well knew that Catiline generally struck at the neck and the head, not at the side or belly), but to alarm all worthy patriots, that upon seeing the consternation and danger of their consul, they might flock to assist and protect me, which they accordingly did. Therefore, Servius, as the public thought that you was negligent in your solicitations as a candidate, and saw Catiline flushed with hopes and ambition, every man who wished to repel that plague from his country, immediately resorted to Muræna.

At consular elections the sudden turn of popular favour is very strong, especially as its bias then leaned towards a worthy man, and one accomplished in many other respects that might recommend him as a candidate; a man with the advantages of a most reputable father and family, who in his youth behaved with the most amiable modesty; was employed in a most illustrious deputation; who had discharged his prætorship with ability in the exercise of judgment, with popularity in the exhibition of his shows, and with politeness in the government of his province; and sued for it with great application, in such a manner, that he was daunted by no menaces, and was incapable of using them to others. Is it, I say, matter of surprise, that such a man should be strongly assisted in his solicitations, by the sudden hopes which Catiline had of obtaining the consulate?

I must now, in order to please Muræna, resume the third head of my pleading, which relates to the crimes of bribery and corruption: although this charge has been sufficiently cleared up by the gentlemen who have spoken before me on the same

side. Upon this head, I will do my best to answer what has been said by my accomplished friend, Posthumius, with regard to the discoveries made of money deposited and seized in the hand of trustees, who were to parcel it out amongst the people; by the ingenious Servius Sulpicius, with regard to the equestrian centuries; and by M. Cato, a man distinguished by every virtue, concerning his own accusation, the decree of the senate, and the affairs of the government. But give me leave to premise something by way of complaint, which has made a sudden impression upon me, arising from the situation of L. Muræna: for, my lords, I have often, before this time, upon reflecting on the miseries of others, and my own daily toils and labours, thought those men happy, who, at a distance from the pursuits of ambition, indulged the repose and tranquillity of life. But now that L. Muræna is beset with such, and so many unexpected dangers, I am so struck with concern, that I want words to bemoan the common lot of us all, as well as the accidents and misfortunes that have happened to my client; who, upon his very first attempt to mount one step above those honours which had been long uninterruptedly in his family, and enjoyed by his ancestors, is now in danger of losing both what was left him by them, and the additions made to them by himself. In the next place, his pursuit after new honours has endangered his forfeiting his former estate.

The bitterness of these miseries, my lords, is highly aggravated by his prosecutors not being prompted to this impeachment by any motives of personal resentment, but who have fallen into personal resentment from their zeal for impeachments. For not to mention Servius Sulpicius, who I understand has no personal pique at Muræna, but is prompted by this dispute about preference, he is impeached by Cn. Posthumius, his father's friend, and, as he owns himself, his own neighbour and acquaintance! this gentleman hath showed you many reasons why he should befriend Muræna, but was not able to mention one why he should hate him. He is accused by Servius Sulpicius, the companion of his son, whose good qualities ought to be a kind of protection for the friends of

his father. He is impeached by M. Cato, who, though he never showed any particular dislike to Muræna, seems to have been born in this state, with this condition annexed to his existence, that his interest and abilities should relieve many, even the merest strangers, without ruining scarcely one enemy.

Therefore I shall first answer Posthumius, who, I know not by what means, seems to me, though he stands for the prætorship, to run full against a consul; like one who professes to vault on horseback, yet gets into the seat of a chariot. He has yielded to their dignity, if they have been no way in fault, by dropping his pretensions; but if any of them have bribed, a friend is wanted to prosecute a third person's wrongs rather than his own,

(*A chasm here.*)

I now proceed to M. Cato, who is the support and strength of all this impeachment; but however weighty and keen he is in his impeachment, I dread the effect of his authority much more than the weight of his charge; and first, my lords, as to this impeacher, let me beg the court that neither the dignity of his person, his prospect of the tribuneship, nor the lustre and wisdom of his whole character, may be of any prejudice to my client; and in the next place, that Muræna may not be a single instance that he suffered by these good qualities with which Cato is blest, that it might be in his power to bless mankind. Publius Africanus had been twice consul, and had demolished Carthage and Numantia, those two formidable rivals of Rome, when he accused L. Cotta. He was possessed of the greatest eloquence, honour, and integrity, and his authority was adequate to the dignity of the Roman empire, supported by his services. I have often heard old people say, that the exalted dignity of this impeacher was of great service to L. Cotta; for as the judges in that trial were men of consummate wisdom, they were unwilling that the impeached should fall, as if he had been struck down by the overbearing force of his antagonist. But how! Did not the Roman people rescue Sergius Galba (for so the story goes) from M. Cato, your brave and eminent great-

grandfather, who was bent upon his destruction? In this state, both the body of the people, and those wise patrióts who consulted the happiness of posterity, have always discouraged prosecutions carried on by too powerful an interest. I am not for an impeacher bringing into the court too decisive a power, too overhearing an interest, too great a weight of authority, or too extensive an influence of popularity. Let him employ these great qualities in saving the innocent, in succouring the helpless, in relieving the wretched, but let them be disregarded when employed to the danger and destruction of our fellow-citizens. For if it should be said that Cato never would have stooped to the character of an accuser, without first examining as a judge into the legality of the prosecution, give me leave to say, my lords, that unjust must be the sentence, and unhappy the situation of the impeached, if the judgment formed by the prosecutor should be sustained as a presumption in favour of the prosecution.

So strongly, Cato, am I prepossessed with the opinion of your matchless virtues, that I dare not disparage your conduct; in some respect I might wish it a slight polish, and a finishing touch. Says the great monitor to his brave pupil, "You are not wrong in many things, but if you were, I could set you right;" but I can say with great truth of you, that you are faultless, and that, on all occasions, you require rather a gentle hint than reformation: for nature herself has formed you great and eminent; she has moulded you to honour, wisdom, temperance, magnanimity, justice; in short, to every virtue. You have added learning to these, but a learning that is neither tractable nor good-natured; because it is a little too rough and severe for the practice of common life, or the disposition of human nature.

And because I am not now speaking either before an unexperienced multitude, or an assembly of rustics, give me leave to be a little more explicit upon the study of moral duties, which are well known, and dear both to you and me. You are to attribute the eminent and divine qualities, my lords, which we discern in M. Cato, to nature; but that he has some slight

defects, is owing, not to nature, but to education. For Zeno was a man of great genius, and his institutes were adopted by the Stoics. His sentiments and rules are as follow: that a wise man is never to be influenced by favour; he is never to pardon a fault in any person; that only fools and the irresolute have ever any sentiments of pity; that a right man is both inexorable and implacable; that the wise, though they have a thousand deformities, are the only beauties in the world; let them be made beggars, yet they are wealthy; let them be the meanest of slaves, yet they are kings; but that we who are not endued with wisdom, are fugitives, exiles, enemies; in short, we are all mad. They tell us that all misdemeanours are alike, and that every slip is a mortal sin. And that a man who shall smother a pullet, when he needs not do it, is as criminal as if a man should murder his father. That a wise man had never any doubt within his own breast; that he never repents what he does; that he is never fallible, and that he never alters his way of thinking: these are the principles which the ingenious M. Cato has caught from these learned authors, not as mere matters of argument, as is often the case, but to serve him as rules of life. Our farmers of the revenue petition for some abatements; take care that you are not influenced by one grain of favour. Behold some people in distress and affliction, begging in the humblest manner; you are a villain and a rascal, if you do the least thing from any sentiment of compassion. Another person comes to own himself in the wrong, and is sorry for his fault; to pardon him would be a crime of the deepest dye. But the mistake was but trifling: that will not do, for all faults are alike. Have you dropped any expression? Let it be firm and irrevocable. You do not give such a thing as matter of fact, but opinion: wise men never entertain opinions. You are a little mistaken in a fact; he thinks that a very bad plea. The effects of this doctrine are as follow. I said in the senate that I would impeach a consular candidate; but you was in a passion when you said so.—No, says he, a wise man is never in a passion. But you spoke it to serve a turn.—Then I should be a rogue if I made a lie.—For a man to alter his sentiments, is

shameful; to be exorable, is criminal; and to be compassionate, is scandalous.

For my own part, Cato, I own, when I was young, that I was so distrustful of my own capacity, that I too sought assistance from learning; for my masters, I mean the cool, moderate followers of Plato and Aristotle, tell me, that a wise man is sometimes influenced by favour, and that a good man is susceptible of compassion; that faults differ in their own nature, and therefore ought to do so in their punishment; that a man of resolution will still reserve room for pardon; and that the sage himself, when he is ignorant, is a little distrustful: that he is sometimes put into a passion, but that he may be calmed and appeased; that he will alter what he has once said, if he shall find he can do it for the better; that he sometimes yields a little from his own resolves; and that all virtues are tempered by a certain mediocrity.

Had you, Cato, with these excellencies of natural qualifications, happened to apply to such masters as those, you would not indeed have been a better, nor a braver, nor a more temperate, nor a more just man (for all that would have been impossible), but you would have been a little more inclinable to gentleness. You would not, without the least motive from personal resentment, or the smallest provocation from personal injuries, have accused the most modest man upon earth, and one endowed with the highest dignity and honour. You would have imagined, as fortune had made you both magistrates-elect, for the same year, that you were in some sort politically related to one another; and as for the invectives you threw out in the senate, you would either have suppressed them, or you would have put upon them the most favourable construction.

But so far as I can form any judgment, experience will mollify, events will soften, and age will bend that impetuosity of spirit, that elastic force of nature, and a genius now warm from the recent impression of the schools. For in my opinion, your teachers and professors of morality stretch the moral duties farther than human nature can admit. For when we have carried them in speculation, even to the highest pitch, yet

still we ought to be determined by prudential considerations, where we shall rest. You will pardon nothing: I do not think you should everything. You will do nothing through favour; neither should you, when you are called upon by your duty and honour. Do not let compassion have the least place in your mind, no, not in losing your character for gravity; but still there is some merit in sentiments of humanity. Persevere in your resolution; yes, unless that resolution should give way to a better.

Such were the sentiments of the great Scipio, who was not ashamed of doing the same that you do now; he kept in his house a man of learning so profound, that he approached to divinity; yet Scipio was so far from being rendered untractable by his conversation and precepts, though they were the same with those that you are now so fond of, that I have been told by old men, he was gentleness itself. Who was more affable, or who more agreeable, than C. Lælius, though he embraced the same philosophy; at the same time, was there a man of more dignity and wisdom than he? I might extend these observations to L. Philippus and C. Gallus, but let me now lead you into your own family; do you imagine that your great grandfather, Cato, was ever outdone in politeness, in affability, in moderation, or in the practice of the most extensive humanity? While you was speaking with great weight and truth as to his eminent virtues, you said that you had a family model for your conduct; he is indeed a beautiful model; but though you, you who are descended from him, may be more similar to his genius than any of us, yet still he is an object proper for my imitation as well as yours. But were you to temper your gravity and severity with his politeness and affability, virtues which are already perfect could indeed receive no farther degree of excellence, yet give me leave to say, they would have a more delightful relish.

But to return to what I proposed: away with the name of Cato from this dispute; away with all authority; which, in a court of justice, ought to have no other influence but to save. Join issue with me upon the crimes themselves. What is your charge, Cato? What is to be tried? What evidence do you

offer? Do you impeach corruption? I do not defend it. Do you blame me for defending, by my pleading, what I punished by law? I answer, that I punished corruption, and not innocence; as to corruption, if you please, I will go hand in hand with yourself in impeaching it. You have said that a decree of the senate was made upon my motion against the corrupted, who should meet the candidates; against their paying money for attendance on their persons; against allotting seats to the populace by tribes at the shows of gladiators, and against giving entertainments to the mob, and that all these appeared to be against the Calphurnian law; the senate therefore judged, that if these things are proved, they are violations of that law, and decrees what there is no occasion for, only to oblige the candidates. For it is a very strong question, whether the fact was so or not; if it was, there is no manner of doubt that the law was violated. It is therefore ridiculous to leave that which is doubtful, without a thorough examination, and to try a point that can admit of no doubt. But it was at the instances of all the candidates that this was decreed, that it might never be understood who were to be gainers, and who were to be sufferers, by this decree of the senate. Therefore you are to prove that L. Muræna was guilty of these overt acts, and then I will admit that they are contrary to the express meaning of the law.

You alleged that a great many people met him, when he returned from his province to stand for the consulship. That is very common; does it not happen to every man who is on his return home? Who were those numbers that met him? In the first place, if I cannot satisfy you as to that, is there any wonder that a great many went to meet so distinguished a person, and a consular candidate, upon his approach to the city? It would have been more surprising, if they had done otherwise: but supposing now I should add, what is not unusual, that a great many were invited? Is there any matter, either of guilt or surprise, that in a city where, upon invitation, we used to introduce, even before day, and from the most remote parts of the city, the sons of our meanest fellow-citizens, that people

should not think it any trouble to go to the Campus Martius, by nine of the clock, especially when they were invited in the name of so illustrious a person? But what if all the companies came, and amongst these a great many of the judges who sit upon this trial? What if a great many of our right worshipful order; what if the whole clan of candidates, who are such scrupulous observers of their duties, that they will suffer no man to enter the city but in due form? In short, if even our prosecutor, Posthumius, came to meet us with a pretty large retinue of his own; why should this multitude occasion any surprise? I shall not mention his clients, his neighbours, those of the same tribe, with the whole army of Lucullus, who was at that time come to Rome on account of his triumph. I would take it upon me to say, that such an uninfluenced number of attendants, upon such an occasion, was never wanting to a man of dignity; nay, to any one who requires it. But he had a vast attendance; prove them to have been hired, and then I shall admit him to be culpable. But if you do not prove that, what do you find fault with? But where was the occasion, says our adversary, for such an attendance? Do you ask me what occasion there is for a common practice, which all of us have used for time immemorial? Men of little consideration have no other method of either deserving or acknowledging the favour of our order, but by this assiduity and attendance, while we are candidates for public offices; for it is impossible, nor is it to be required of us and the Roman knights, that we should follow our friends who stand for public offices, for days together. If they resort to our houses, if they sometimes conduct us to the forum, if they pay their respects to us for the length of a street, we appear to be sufficiently respected and honoured; all that close attendance is paid by such of our friends, who have slender fortunes, and not much business on their hands; and men of worth and generosity will never want plenty of such to attend them.

Therefore, Cato, do not deprive this low rank of mankind of the benefit of their services; suffer them, since they hope everything from us, to be in a capacity of paying us somewhat in return: were this confined to their votes alone, it would be next

to nothing, as they get no favour by voting. In short, as they themselves used to tell us, they cannot plead for us, they cannot answer for us in court, they cannot invite us to their houses: all these are services which they expect of us, and they think that their assiduity is the only way by which they can repay us for all our favours: therefore they opposed both the Fabian law, which regulated the number of attendants upon a candidate, and the decree of the senate, which was made in the consulate of L. Cæsar; for no penalty can ever be sufficient to debar the meaner rank of people from observing this old system of paying their duties.

Ay, but entertainments of shows were exhibited to the particular tribes; and the mob was invited to a dinner. Though, my lords, this was not the doing of Muræna, but of his friends, and that too with moderation, and according to custom, yet I have reason to remember, Servius, how many votes we lost by making such inquiries in the senate; for at what time, either in our own or our fathers' memories, did not ambition, or, call it liberality, allot a place in the circus, and the forum, to those who were of the same tribe with ourselves? This was a usage begun and continued by the most inconsiderable of the people.

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(*A chasm here.*)

If the master of the artisans once allotted a place for his own tribe, what regulations would they make against men of the first quality, who hired whole ranges of booths in the circus, for the use of their own tribe? All these charges, Servius, with regard to retinue, shows, and even entertainments, are attributed by the populace to your scrupulous exactness in collecting matter for this impeachment; and yet Muræna is defended by the authority of the senate upon all those heads.⁴ To be sure: for, give me leave to ask, if ever the senate would think it criminal for a person to be met on his return home? No, unless he hires people for that purpose: but prove this upon my client. Is it criminal for one to be attended by a great multitude? Not unless he hires them. Then prove Muræna did. Is it illegal

to give places at a show, or to invite people to dinner? By no means; unless it is done indiscriminately. What do you call doing it indiscriminately? When it comprehends the whole of the people. Therefore if L. Natta, a youth of the greatest quality, and who has given proofs already, by his capacity, of the great things the world has reason to expect of him, in order to recommend himself to their favour upon this friendly occasion, and for the rest of his life, had a mind to be in the centuries of the knights, must this be a prejudice, or charged as a crime upon his step-father? Or if a vestal virgin, who was his relation and friend, resigned to him her place at a show of the gladiators; she acted as an affectionate kinswoman, and he ought to be free from the least censure. All these offices are the duties of friends, the perquisites of inferiors, and the privileges of candidates.

But Cato disputes with me in the character of an austere Stoic; he tells you it is unjust that favour should be courted by meat or drink, or that votes at an election of magistrates should be influenced by motives of pleasure: therefore, if a man, because he is a candidate, shall invite another to supper, he must be condemned. What, says he, do you stand for the highest command, for supreme authority, and for the helm of the state, by pampering the senses, by soothing the inclinations, and gratifying the pleasures of mankind? One should be in doubt, continues he, whether you aspired to be the cock-bawd of a delicate parcel of youths, or to obtain the command of the world from the people of Rome. This is an awful speech; but it is condemned by our practice, by our lives, and by our constitution itself. For neither the Lacedemonians, the first institutors of such a way of living and talking, men who every day dine upon a hard board; nor the Cretans, not one of whom ever indulged himself in a cumbent posture at his meals; I say, neither of these people have been more successful in the administration of public affairs than the Romans, who have times set apart for fatigue, and times for pleasure. As to the Cretans, they were destroyed by a single approach of our army; and it is under the protection of our

empire that the Lacedemonians enjoy their ancient regulations and constitutions.

Therefore, Cato, be not too severe upon these customs of our ancestors, the fitness of which is proved by the present state of our affairs, and the long continuance of our empire. Quintus Tubero, a man of learning in the days of our forefathers, and at the same time a person of consideration and quality, was a Stoic, as you are. When Q. Maximus was giving an entertainment to the Roman people, on the account of his uncle Africanus, Tubero was desired by him, because he was son to the sister of Africanus, to furnish out a dining-room. What does this learned Stoic do, but cover plain wooden beds with coarse goat-skins, and set out a sideboard of earthen dishes; as if they had been commemorating the death of Diogenes the Cynic, and not that of Africanus: a man so divine, that while Maximus was pronouncing his funeral praises, he thanked the immortal gods that such a hero was a native of this state, because the empire of the world must have been fixed in whatever place such a man existed. But this wrong-headed wisdom of Tubero was extremely disagreeable to the Roman people upon that occasion: therefore that excellent person, and worthy Roman, though he was grandson to L. Paulus, and son to the sister of Africanus, was tossed in those goat-skins out of the prætorship.

The people of Rome are foes to private luxury, but friends to public magnificence; they do not love profusion, but far less a brutish nastiness in entertainments; they know how to make proper distinctions, both as to duties and seasons; they know when to labour, and when to indulge. But if you maintain that our fellow-citizens ought to have no other motive for voting a man into a public post but the dignity of the candidate himself, you yourself, great as your dignity is, do not observe this maxim, else why do you ask any one to favour or assist you? You yourself requested that I might be directed by, and commit myself to you; what meaning was there in this? Whether was it more proper that I should be solicited by you, or you by me, to undertake toil and dangers for my welfare?

To what purpose had you a prompter of citizens' names? Here, at least, you deceive and impose upon the public; for if it was a moral duty for you to call every citizen by his name, it surely is scandalous that your slave should be better acquainted with their names than you are; but if you are acquainted with them, is it necessary to apply to them by a prompter? Why do you solicit before he whispers? Or why, after you are told their names, do you salute them as if you were already acquainted with them? After you was nominated to your office, why did you accost them with greater indifference than before? All these practices are right, according to the usages of this city; but they will be found extremely wrong, if examined by the maxims of your philosophy. Therefore the Roman people are neither to be deprived of the pleasures of those plays, gladiator-shows, and entertainments, things which have been provided for us by our ancestors; nor are the candidates to be debarred from bestowing those favours which are rather marks of generosity than corruption.

But, say you, your patriotism obliged you to impeach. I believe, Cato, that this is your motive and reason for appearing here; but you mistake for want of sufficient reflection. As for what I do, my lords, I protest and declare, I do it on account of my friendship for Muræna, and his own dignity, and likewise for the peace, ease, unanimity, liberty, safety, and, in short, the preservation of you all. Hear, my lords, and attend to your consul; and I hope I am not too bold, when I say, that night and day I think of my country. Catiline had not such a contempt, and so despicable a notion of our government, as to imagine that he could destroy the city by the force which he has carried out with him. The infection of his guilt is spread much wider than is commonly imagined: it has tempted many; and the machine, pregnant with your ruin, remains within our walls; but never, my lords, while I am consul, shall it surprise you in the lethargy of security.

You ask of me, what I apprehend from Catiline? Nothing; and it is through my means that nobody has anything to apprehend from him. But I say, that we ought to dread his

forces, which I now see in this very place; for the army of Catiline is not so much to be feared, as those who are said to be deserters from his standard: they have not deserted, but he has left them to lie on the watch, in ambush, for an opportunity to attack our lives and liberties. They now want to persuade this court to pass a sentence which shall degrade from protecting this city, which shall drive from the government of this state, a blameless consul, an excellent general, and one whom nature and fortune have attached to the preservation of his country. I have already, my lords, dashed their audacious attempts in the field of election, I have weakened them in the forum, and crushed them even within my own house; but should you make them a present of another consul, they will gain more from your decision than they have ever been able to do by their own swords. The point, my lords, which I have laboured and effected, against great opposition, is of the highest consequence; I mean that there should be two consuls in the government the 1st of January. Do not imagine that the unprecedented destruction of our country has been concerted in cool blood, in an ordinary method, or by the pernicious influence of corruption. Resolutions, my lords, have been taken to abolish the city, to murder the citizens, to extinguish the name of Rome. And our fellow-citizens, our fellow-citizens, my lords, if they deserve such appellation, are laying, and have laid, all those schemes against their country. I every day countermine their projects, I crush their audacity, I oppose their guilt. But give me leave to put you in mind, my lords, that my consulate is now drawing towards its period, therefore withdraw not from me my successor in all my labours; take not from me the man to whom I wish to deliver over our unviolated constitution, that he may yet defend it from its threatening dangers.

But, my lords, are you not sensible of an addition which these calamities must receive? I call upon you, Cato, upon you; do you not foresee this storm that threatens the year of your magistracy? For in yesterday's assembly the voice of your elected colleague thundered destruction. This was what your

wisdom, and all the worthy patriots who invited you to stand for the tribuneship, strongly suspected: all the schemes which for these three years together have been concerting, ever since (as you know) L. Catiline and Cn. Piso entered into a conspiracy to murder the senate, are bursting forth in this year, in this month, and at this time. Has there been a place, my lords, has there been a season, has there been a day, has there been a night, in which I have not been snatched and rescued from the designs and swords of those traitors, less by my own foresight than divine Providence? Their quarrel was not at my person; but, by murdering me, they wanted to remove a consul watchful over the preservation of your country. They have, Cato, the very same designs upon you, could they compass them by any means: believe me, it is this they are now doing; it is this they are now labouring. They are sensible of your great spirit, your capacity, your authority, and your abilities to defend the state. But when they shall perceive the power of the tribuneship destitute of its consul's authority and assistance, they imagine that it will be more easy for them to overpower you in that defenceless condition. For they are not apprehensive of any consul being substituted in the room of Muræna, because they perceive that such a substitution is entirely in the hand of your colleagues in the tribuneship. They are in hopes that the illustrious Silanus will be exposed without a colleague, you without a consul, and the state without a guardian.

You, Cato, are not born for me, or for yourself, but for your country: it is incumbent upon you to provide against those great events, against those dangers; to preserve your assistant, your defender, and your associate in the government. Not an ambitious consul, but such a consul as this juncture requires; one whom his fortune has formed for promoting tranquillity, his knowledge for managing wars; and whose spirit and experience is equal to every purpose you can desire. But, my lords, the whole of this depends upon you; in this cause you decide upon the government, and the general interest of our country.

Had L. Catiline, with his cabal of ruffians, whom he has carried along with him, been in a capacity to judge, in this affair, he would condemn L. Muræna; if he could, he would kill him. For his schemes required that this state should be deprived of her supports, and that the number of her generals to oppose his fury might be lessened; that the tribunes of the people, after their antagonist is expelled, should be more at liberty to blow the flames of sedition and discord. And shall the most worshipful and wisest of mankind, delegated by our noblest orders, pass the same judgment as would a most audacious gladiator the enemy of his country?

Believe me, my lords, the sentence you are to pass in this cause will affect your own safeties no less than that of L. Muræna. This is our last struggle; if we are defeated here, we have no resource left; if we fall here, we have lost all the means of our recovery. We ought to be so far from weakening our present supports, that, if possible, we ought to add to them. For our enemy is not now upon the Anio, which was our greatest terror in the Punic war, but within the city, within the forum. Immortal gods! can I say this without a sigh? We have an enemy in that very sanctuary of our state, in that very assembly of our senate. May the gods grant that my brave colleague may in arms be able to suppress the unnatural rebellion of Catiline: and I, in my robes of peace, to dissipate and crush by your, and every good patriot's assistance, the dangers with which this state is teeming.

But what will be the event, if these dangers, after baffling our endeavours, should recoil in the ensuing year? There will then be but one consul, who will be less employed in the management of war than in the means of associating to himself a colleague: his enemies have prepared their obstacles, and the barbarous, the grievous pestilence of Catiline's rebellion will take every opportunity of breaking out. It now threatens the Roman people, it will speedily stretch to the fields near the walls of our city; fury will take up her abode in our camps, fear in our senate, conspiracy in our forum, an army in our fields, and desolation in our lands; while the terrors of fire and sword

shall haunt every place even of our domestic retirements. As for these mischiefs, though they have been long in hatching, they may all be easily crushed, by the state having the full complement of her guardians; by the wisdom of her magistrates, and the zeal of her subjects.

Seeing these things are so, my lords, in the first place, that love for my country, which ought to be the ruling passion of every man, gives me a right to advise you according to my unwearied, and, by you, experienced, zeal for the state; to admonish you by my consular authority; to conjure you, by the greatness of the danger, that you would have a regard to the public repose, tranquillity, and welfare; that you would have a regard to your own lives, and those of your fellow-citizens. In the next place, as I am directed by the honour of a defender, and the duty of a friend, I earnestly entreat it of your justice, not to drown the late applauses of L. Muræna in a flood of unlooked-for tears; as he is now wretched, and spent by the distemper of his body and the anguish of his soul. It was but a little while ago that he seemed happy in the greatest favour with which the people of Rome could grace him, as being the first of an ancient family, and an ancient corporation, who had ever been elected to the consulship: but now, my lords, you see him disfigured by the meanness of his attire, emaciated by the malignity of disease, and sinking under the weight of sorrow; approaching your knees, attesting your justice, imploring your compassion, and throwing himself wholly upon your power and your interest.

I beseech you, my lords, by the immortal gods, do not by those means, which he thought would be an addition to all his former honours, strip him of those, and of all his dignity and fortune. My lords, my client most earnestly and humbly beseeches you, if he has done injury to no man, if he has hurt no man either in word or intention, if, to say the least, he has incurred the hatred of no man, either at home or abroad, that you will have some regard to the temperate, that you will afford shelter to the humble, and relief to the modest. Great, my lords, is the compassion that is due to the man who is deprived

of the consulship; if he is stripped of that, he is stripped of his all. But surely, in these days, the possession of the consulship can be attended with no envy, since it is exposed to the cabals of the seditious, to the treasons of conspirators, and the sword of Catiline: in short, it is the only mark of all danger, and all obloquy. Therefore, my lords, I cannot see what envy Muræna, or any of us, ought now to incur in this honoured office. As to the compassion due to us, that is even now familiar to my eyes, and, if you please, may be plain and perspicuous to you.

If (may Heaven avert the omen) you should condemn him by your decision, whither shall the unhappy Muræna turn? Home wards? There must he see the statue of his illustrious father, which but a few days before was laurelled in compliment to his honour, now disfigured with the marks of ignominy. Shall he turn him to his unhappy mother? She has but just embraced her son a consul; but is now in agonies at his doubtful fate, and fearful that she next shall see him divested of all his dignity.

But why do I mention the mother and family of a man whom a new penalty of the law banishes from his family and his parents, and from the company and conversation of all his friends? Shall the wretched Muræna then be banished? But whither? To the east, where he for many years acted as lieutenant, where he commanded armies, and where he performed many glorious actions? Alas! hard is the lot of that man who returns with ignominy to a place which he left with honour. Shall he hide his head in the opposite part of the world? In the Transalpine Gaul, which lately with pleasure beheld him clothed with supreme command; and shall she now behold him a mournful and a wretched exile? With what eyes can he look upon his brother C. Muræna in that province? How must the one be struck with anguish, the other with sorrow, and both with consternation! What a reverse of fortune and reports, that in the very place in which all accounts a few days before concurred that Muræna was raised to the consulship, the place from which his friends and acquaintance flocked to pay him their compliments at Rome, that he himself should be the messenger to carry to that place the first news of his disgrace!

If these, my lords, are bitter, if they are wretched, if they are mournful circumstances, if they are shocking to your humanity and compassion, preserve the favour which the Roman people have bestowed, restore her consul to the state; do this in consideration of the purity of Muræna's manners, of his dead father, of his quality, and of his family, and likewise of Lanuvium, that most honourable corporation, and whose melancholy citizens you see here full assembled during this whole trial. Tear not from the paternal rites of Juno Sospita, which all consuls are obliged to celebrate, a consul in whom she has so peculiar a right. He is a consul, my lords, if my recommendation has any weight, if my assurances have any authority. As a consul, my lords, I recommend him to the same character as one who is zealous for your tranquillity, indefatigable for your interest, keen in opposing sedition, brave in commanding an army, and a sworn enemy of the conspiracy that is now shaking the pillars of this constitution; such a consul I promise and engage Muræna will prove.

ORATION FOR A. LICINIUS ARCHIAS.

IF, my lords, I have any capacity, which I am conscious is but slight; if I have any experience in speaking, in which I do not deny I have been moderately conversant; if I have any art in this business, which has been improved by a regular application to the study of the arts, which I confess have ever pleased me through all stages of life; the defendant, A. Licinius, has the chief right to claim the fruit of all my qualifications, of all my abilities. For, as far as I can retrace the scenes of life, or collect the remotest remembrance of my childhood, he it was who, in the course of all my studies, prompted my application, and directed my progress. If, therefore, my tongue, filed by his art, and tutored by his precepts, ever relieved the oppressed, my duty and my gratitude direct me to do my utmost in defending and assisting the man who formed it to defend my fellow-creatures, and to succour others.

And here, lest some should be surprised at what I advance, as if the turn of his genius, his eloquence, and his studies were quite different from mine, give me leave to say, that I never wholly applied myself to the study of eloquence. For in all the liberal professions there is an intellectual relation, a secret charm, that, connecting the one to the other, combines them all.

Again, lest any of you should blame me for introducing in a regular proceeding, in a public pleading, before a prætor, the best of men and of magistrates, before impartial judges, in so full, so frequent an assembly, a style unknown to the forms of a trial, and inconsistent with the practice of the bar; I beg to be indulged in what I hope you will conceive to be a decent liberty

of speech, by suiting it to the circumstances of my client. In pleading for an excellent poet, and a man of letters, surrounded, as I am, by a crowd of learned Romans, encouraged by your patronage of arts and sciences, and protected by such a judge, give me leave to enlarge upon the love of learning and the muse, and to use an unprecedented language in supporting the character of a man whose lettered indolence has ever been averse to the bustle of public life: indulge me, I say, in this, and I will prove, my lords, that, as Archias is a citizen, he ought not to be disfranchised: nay, though he had the misfortune of being an alien, yourselves shall own that he is worthy the privileges of a Roman.

For, as soon as Archias ceased to be a boy, and had bid adieu to the studies that tutor the youthful mind into the love of the arts, his genius led him to poetry. His capacity soon began to distinguish him at Antioch (the place of his birth, which was noble), a city once eminent and wealthy, and fertile in men of great learning and true taste. Afterwards, in his progress through the other parts of Asia, and all over Greece, he was so much admired, that, though they expected more than fame had reported, yet did they not expect so much genius as they saw and experienced.

Italy was then full of the professors of the fine arts, and the sciences; they were more assiduously cultivated then, even in Latium, than they now are in her cities; and the public tranquillity afforded them some shelter even here in Rome. Therefore, the inhabitants of Tarentum, Rhegium, and Naples presented him with the privileges of their respective cities, and other marks of their regard; and every man who had the smallest discernment or taste, was proud to know and to entertain him. His fame thus spreading to places where his person was unknown, he came to Rome, under the consulate of Marius and Catulus, to whom he endeared himself. The actions of Marius afforded the noblest subject for poetic genius; and the other not only deserved to be the theme, but actually was the judge and friend of the muse. Immediately the Luculli, when Archias was yet but seventeen years of age, invited him

to their house. But, my lords, it was the virtues of the heart, and humanity of his nature, as well as the charms of his muse, and the brightness of his genius, that recommended him to a family where he both spent his early youth and grew gray in the practice of every social virtue.

He was in these days delighted in by Marcus Metellus Numidicus, and his pious son, admired by M. Æmilius, familiar with the elder and the younger Catulus, courted by L. Crassus; and so endearingly intimate was he with the Luculli, Drusus, the Octavii, Cato, and all the Hortensian family, that they thought no expression of their regard for him too great. Thus an acquaintance with Archias grew in some sense to be a fashion, and was courted not only by men of taste and discernment, but by those who were blind to all his beauties, and who only sought reputation by pretending a regard for his profession.

Having lived long in this manner, he went to Sicily with L. Lucullus, and having left that province in his company, he came to Heraclea, which being a city joined with Rome in the strictest faith and friendship, he expressed his desire of being enfranchised in that city. This was granted as well on account of his personal merit, as by the recommendation and favour of Lucullus. The terms on which, by the Plotian law, any alien might be admitted a citizen of Rome, were as follows: "If they were enrolled by free cities, if they had a dwelling in Italy, at the time of passing the law, and if they declared their enrolment before the prætor within sixty days." Archias for many years had a dwelling at Rome; and he had declared before the prætor Q. Metellus, who was his intimate friend.

If the enfranchisement and the law is all I have to prove, here will I rest my defence; the trial is over; for which of those facts, Gratus, can you invalidate? Will you deny his enrolment at Heraclea? Lucullus, a man of the strictest honour, truth, and integrity, is here in court, ready to affirm it; not as a matter that he believes, but knows to be true; not as a thing he heard, but saw; not as an affair in which he had some concern, but what he really transacted. Commissioners from

Heraclea, all of them men of quality are present, on account of this trial, ready to produce the public mandates and declaration of their constituents, that prove him a Heracleian by enrolment. But here you demand that the public archives of Heraclea should be produced; though we all know that they, and the office which contained them, were consumed by fire in the Italian war. How ridiculous, therefore, is it, not to plead to the evidences which we are ready to produce, and to insist upon our producing evidences which it is impossible we can command; to refuse what is recent in the minds of men, and to appeal to the authority of registers; to reject what is affirmed on the honour of an illustrious Roman, and the unquestionable, the incorruptible faith and oath of a free city; and to demand the evidence of registers, which, in the same breath, you own may be, and often are vitiated!

But he had no dwelling at Rome. He, who for so many years before he obtained his enfranchisement had made Rome the seat of his business and fortunes. But he did not declare: I affirm, he did; nay, entered his declaration into those registers of Metellus, which alone by that very declaration, and their being in custody of the college of prætors, have a title to the authority of public archives.

For, as the registers of Appius are said to have been very negligently kept, the corruption of Gabinius before he was accused, and his fate after he was condemned, in a manner cancelled the authority due to public records. But Metellus, the most modest and most virtuous man living, went before Lucius Lentulus, the prætor, and the other judges, and complained of the erasure of one name. Now I say that the name of Licinius is still to be read there without any erasure.

If this is fact, why should you doubt of his enfranchisement, especially as he was enrolled in other free cities? If in Greece, men of no consideration, and professing either no art at all, or a very mean one, were gratuitously enfranchised in their cities, is it probable that the Rhegians, the Locrians, the Neapolitans, and the Tarentines, would deny to a man who had the merit of a superior genius to recommend him, a compliment which they

never scrupled to bestow on players? How! when others, not only after their enfranchisement, but even after the Papian law, found means to creep into the registers of the municipal cities; shall he, who never claimed his privilege by virtue of his being enrolled in other cities, because he wished still to be a Heracleian, be rejected?

You demand to see our qualification by the censor's books; as if it were doubtful that, at the time of the last censors, my client was in the army, under that brave general, Lucius Lucullus. In the time of their immediate predecessors, he was in Asia, where the same general was quæstor; and under Julius and Crassus the people underwent no capitation. But as an enrolment in the censor's books does not constitute an enfranchisement, but only proves that a man thus enrolled, assumed the character of a citizen, know that, at the time in which you pretend that, even by his own confession, he had no right to the freedom of Rome by our law, he often made his will according to our laws; he administered as heir to Roman citizens; and was recommended to the treasury by Lucius Lucullus, then consul and prætor, as worthy of preferment.

Find out, therefore, if you can, some other arguments; for neither by his own nor his friend's conduct can he ever be convicted. You demand, Gratius, of me, why I am bewitched with this man? I answer, because he supplies me with an agreeable relaxation for my spirits when fatigued with this bustle of the forum, and charms my ears when stunned with its noise. Do you imagine that I could possibly furnish matter for my daily pleading on such a variety of heads, were not my understanding cultivated with learning? Or that my mind could be equal to such efforts, were it not sometimes unbent by learned amusements? Yes, I own myself to be enchanted with these studies. Let those be ashamed who so bury themselves in learned dust, as that their qualifications can neither be of use to society, nor bring credit or reputation to themselves. But what have I to be ashamed of? I, my lords, who never have been detained by interest or indolence, distracted by pleasure, or diverted by sleep, for so many years from the offices of

humanity. Then who can justly blame, who can censure me, if, while others are pursuing the views of interest, gazing at festal shows and solemnities, exploring new pleasures, reposing the body, or unbending the mind, while they are deep in the midnight revel, in dice, or diversion, I spend the recollective hour in the pleasing review of these studies? Farther I can urge in my own excuse: to them it is owing that I thus speak, that thus I reason; that I never possessed any acquirements which have not been employed to relieve my friend. These, indeed, may be thought trivial; but I am conscious from what source even those of the most exalted nature are derived.

For, had not my youthful mind, from many precepts, from many writings, drank in this truth, that glory and virtue ought to be the darling, nay, the only wish in life; that, to attain these, the torments of the flesh, with the perils of death and exile, are to be despised; never had I exposed my person in so many encounters, and to these daily conflicts with the worst of men, for your deliverance. But, on this head, books are full; the voice of the wise is full; the examples of antiquity are full; and all these the night of barbarism had still enveloped, had it not been enlightened by the sun of science. How many pictures of the bravest men (not to be gazed at, but imitated) have the Greek and Latin authors left us! It was by the transporting ideas which I drew from their excellence that I regulated my conduct as a magistrate, and at once improved my head and my heart.

How, it may be said, were all those great men, whose virtues are recorded, skilled in the learning that you so lavishly praise? It is hard to say that they all were; but I affirm one thing as certain: I own that I have known many, who, without letters, by the almost divine intelligence of their own nature, have enjoyed every good quality, every amiable virtue, and of themselves have acquired the love and veneration of mankind; nay, I will add, that nature without learning is of more efficacy towards forming such a character, than learning without nature. But, at the same time I do insist that, when an intelligent, improvable nature is assisted by polished education and

regular study, then something inexpressibly beautiful, something inimitably excellent, is ever the consequence.

Such was the divine Africanus, known to past ages; such the amiable Lælius, and the temperate Furius; and such, known to this age, was M. Cato, that brave Roman, and learned old man: all these had never applied to learning, but from a consciousness that their innate virtue was improved and enlightened by study. But, were pleasure without utility to be the sole end of learning, yet must you own it to be the most generous, the most humane exercise of the rational faculties. For other exercises are neither proper for all times, all ages, nor all places; but these studies employ us in youth, and amuse us in old age: in prosperity they grace and embellish; in adversity they shelter and support; delightful at home, and easy abroad, they soften slumber, they shorten fatigue, and enliven retirement. Though I myself had never felt their efficacy, or could have tasted their excellence, yet must they have been the object of my adoration when I saw them in others.

Where, amongst us, is the mind so barbarous, where the breast so flinty, as of late, to be unaffected with the death of Roscius? He died, indeed, an old man; but a man whose art and elegance seemed to challenge immortality to his person. Was he then so universally esteemed and loved for the inimitable management of his limbs? And are we to overlook the divine enthusiasm of genius, and the glowing energy of the soul? How often, my lords, have I seen this Archias (for I presume upon your goodness, as I am encouraged by your attention to this unusual method of pleading)—how often, I say, have I seen him, when, without the assistance of a pen, he poured forth a number of excellent lines on subjects that were transacting while he composed them! How often has he clothed the same subject in a different turn of words and expression, while whatever was the cool, the digested result of his study, if reduced to writing, has, in my hearing, met with an approbation nothing short of what is due to the merit of antiquity itself! Has not this man then a right to my love, to my admiration, to all the means which I can employ in his defence? For we are

instructed, by all the greatest and most learned of mankind, that education, precepts, and practice, can in every other branch of learning produce excellence. But a poet is formed by the hand of nature; he is aroused by mental vigour, and inspired by what we may call the spirit of divinity itself. Therefore our Ennius has a right to give to poets the epithet of holy, because they are, as it were, lent to mankind by the indulgent bounty of the gods.

May you, therefore, my lords, as you are men of great learning and politeness, suffer the name of poet, which no barbarism ever profaned, to be sacred with you. Rocks and deserts are respondent to the voice; music has charms to soothe and tame the most horrid savage; and shall we, with all the advantages of an excellent education, be deaf to the voice of the bard? The Colophonians claim Homer for their countryman; the Chians assert him to be theirs. The Salaminians affirm him to be a Salaminian; and the Smyrnians maintain him to have been of Smyrna. They have therefore dedicated a temple to him in their city; and many other people have fiercely contended with one another on the same account.

Do they then claim a stranger for their countryman, because a poet, even though dead, and shall we reject this living poet as ours, who has a Roman heart, and the Roman laws to recommend him? Especially as Archias employed the utmost efforts of his art and genius to make Rome immortal by his muse? For, when a youth, he sung the Cimbrian war; and touched with pleasure even the stubborn, the untractable soul of Marius.

Nor is there a breast so unsusceptible of poetry, who is not pleased that the muse should be the eternal herald of his praise. It is said that Themistocles, the greatest man of Athens, when asked, "What melody, or whose voice, he heard with the greatest pleasure," answered, "That of the man who could best rehearse his virtues." Thus the same Marius had the highest esteem for Lucius Plotius, whose genius he thought sufficiently sublime to celebrate his actions.

The Mithridatic war, a war of such importance, such difficulty,

such variety, abounding in action, both by sea and land, is all painted by Archias in verses that not only do honour to Lucullus, the best of men, and the greatest of Romans, but reflect lustre upon the dignity of Rome herself. For the Romans under Lucullus penetrated into Pontus, till then impregnable because of its frontier guarded by a monarch's arms, and a situation almost inaccessible by nature. Under him, the Roman arms, with an inconsiderable force, routed the innumerable troops of the Armenians. To his conduct it was owing that the Romans had the glory of delivering and securing Cyzicum, the city of our dearest allies, from all the fury of a monarch, and out of the destructive jaws of an impending war. To our praise shall it ever be recorded and related, that, under Lucullus, we sunk the enemies' ships, we slew their generals, and performed miracles in the sea-fight of Tenedos. Ours are the trophies, ours the glory, and ours the triumphs. Therefore, the genius that records the actions of our heroes, at the same time celebrates the glory of our country. Our Ennius was dear to the elder Africanus; and it is thought his statue was erected in marble amidst the monuments of that family. Not only the immediate subject of a poem, but even the glory of the Roman people, derives a lustre from those praises of the poet. Cato, the ancestor of the judge who sits here, is ranked among the gods, and so the highest honour reflected on the conduct of the Romans; in short, all the Maximi, the Marcelli, and the Fulvii, whose virtues the muse records, communicate a proportion of their own glory to every man in Rome.

Did our ancestors then admit a native of Rudia to the privileges of a Roman, and shall we eject a Heracleian out of Rome, whom many cities have courted, but whom the laws of Rome ascertain to be hers? Ridiculous is the mistake in imagining that the merit of a Greek poet is inferior to that of a Latin. Greek verses are read almost universally; the Latin are confined to the narrow bounds of Latium. Therefore, if the operations of the Roman arms are limited only by the limits of the earth, we ought to pant that our glory and fame should reach, at least, as far as our power is felt. These, as they are

strong motives to the people in general, whose actions are celebrated, so to the particular heroes who expose their lives in the field of honour, they have still been found the principal incentives to danger and to toil.

What a number of writers is the great Alexander said to have carried along with him! Yet when he stood by the tomb of Achilles at Sigeum, "Happy youth (he cried), who found a Homer to celebrate your courage!" Irrefragably true. For, had it not been for the *Iliad*, the fame and the ashes of Achilles had been buried in the same grave. And did not Pompey the Great, with us, who has raised his fortune equal to his merit, in a military assembly, enfranchise Theophanes of Mitylene, the writer of his praise? And those brave countrymen of ours, rough and unpolished as they were, yet felt the emotions of glory, and sent up an approving shout, as sharing in the fame of their leader.

Are we then to suppose that, if Archias had not by our laws been a citizen of Rome, he could not have obtained his enfranchisement from some general? Would Sulla, when he admitted Gauls and Spaniards, have refused the suit of Archias? Sulla, I say, whom we once saw in an assembly, when a very obscure poet presented him a petition upon the merit of a hobbling epigram to his praise, ordered him instantly to be rewarded out of a personal estate which was then selling, on condition that he should scribble no more. Would the man who thought that the labours even of a wretched poet deserved some reward, have been ungrateful to the wit, the genius, and the excellency of Archias? Could neither he nor the Luculli have had interest enough with Metellus Pius, his intimate friend, who was lavish of his enfranchisements, to obtain that boon, especially as that great man had such a passion for having his actions recorded in verse, that he heard, with some degree of pleasure, the harsh, uncouth things, called verses, of poets born at Corduba?

Nor must we dissemble a truth which can never be disputed, and which we must all avow; the love of praise biasses all mankind, and the greatest minds are most susceptible of a passion for glory. Those very philosophers who most preach up a

contempt of glory, prefix their names to their works; and the performances in which they run down ostentation and distinction are evident proofs of their vanity and love of fame. Decimus Brutus, that great man and excellent general, adorned the entrance of the temples, and the monuments of his own family, with the verses of Accius, his intimate friend. The great Fulvius, who, in his war with the Ætolians, was attended by Ennius, made no scruple to consecrate the spoils of Mars to the Muses. In this city, therefore, if generals in their armour have dignified the name, and worshipped at the shrine of the Muses, you, my lords, in your robes, ought to assert their honour and protect their poets.

My lords, to animate you to this, I will now unbosom myself, and confess my perhaps too keen, but virtuous passion for glory; for all that, in conjunction with you, I effected during my consulate, for the safety of this city and empire, for the lives of the Romans, and the liberties of my country, is the subject of a poem which Archias has begun on that subject. So much as I have heard of it, which at once gave me surprise and pleasure, induced me to exhort him to complete it. For virtue requires no other reward for all her toils and dangers, but this of praise and glory. Take this away, my lords, and what can remain in this narrow, this scanty career of life, that has charms to prompt us to these toils and dangers?

Surely, if the mind could not launch into the prospect of futurity, were the operations of the soul to be limited to the space that bounds those of the body, she would not weaken herself by constant fatigues, nor vex herself with continued watchings and anxieties; nor would she think even life itself worthy of a struggle. But a certain principle lives in the breast of every good man, whose unceasing hints prompt and inspirit him to the pursuit of a fame which is not commensurate to our mortal existence, but extending to the latest posterity.

Can we, who have undergone dangers for our country, be of so contracted a mind, as to imagine, that though, from our entering into, till our leaving the world, we have never breathed without anxiety and trouble, yet that all consciousness shall be

buried in the grave with us? If the greatest men have been careful to leave their bustoes and statues, those images not of their minds, but of their bodies; ought not we to wish rather to transmit to posterity the resemblance of our wisdom and virtues, designed and finished by the most accomplished artists? For my part, while I acted as I did, even then I imagined that I was disseminating and transmitting my actions to the remotest corners and the latest ages of the world. Whether, therefore, my consciousness of this shall cease in the grave, or, as some learned men have thought, it shall survive as a property of the soul, yet one thing I am sure of, that, at this instant, I feel from the reflection a flattering hope and delightful sensation. Therefore, my lords, retain the man whom the affections of his friends, his own virtues, and his own genius, recommend. And how great his accomplishments are, you may learn from the greatest men in Rome, who court him for their friend; and his plea is of such a nature, as to be proved by the construction of the law, by the faith of municipal cities, the evidence of Lucullus, and the registers of Metellus. As the case thus stands, we are emboldened, my lords, if the intercession not only of men, but of gods, can have any weight, to hope that the man who has ever added lustre to you, your generals, and your country, who has undertaken to transmit to posterity an eternal memorial of your praise, while your and my domestic dangers are yet recent, and whose character has ever been esteemed and pronounced sacred, shall be sheltered under your protection, and that he may seem to be rather relieved by your humanity than oppressed by your rigour.

The matters of fact, my lords, which I have with my accustomed brevity and simplicity related, require, I hope, no further proof. The manner in which, contrary to the usage of the forum and the bar, I have enlarged upon the genius of my client, and the general merits of his profession, will, I hope, by you be taken in good part, as I am sure they will by him who presides on your bench.

ORATION FOR MILO.

THOUGH, my lords, I am apprehensive that, when I enter upon the defence of a brave man, it may be thought mean to betray any symptoms of cowardice, or to be unable to support my pleading with a dignity of courage equal to that of Titus Annius Milo, who is less concerned about his own fate than that of his country; yet I am dismayed with this unusual pomp of justice, this unprecedented array of terror. Mine eyes search in vain, on all sides, for the venerable forms, and ancient appearances, of the forum; your bench is environed with attendants, and the bar with guards, hitherto unknown at a Roman trial.

For these troops, which stand before all the temples, however they are meant to overawe violence, yet strike terror into the pleader; and though the guards with which the forum and these walls are lined may be salutary, perhaps necessary; yet the very means of safety awaken the idea of danger. But, did I think that those soldiers were placed there to the prejudice of Milo, in this trial, I would yield, my lords, to necessity, and not imagine that where such a kind of force over-rules, the voice of eloquence can be heard. I am, however, supported and encouraged by the conduct of Pompey, who, as he is a person of the most consummate justice, will never expose to the sword of the soldier the man whom he has given up to the judgment of this court; and as his wisdom is equal to his justice, he must think it inconsistent with both, to strengthen the fury of popular commotion by the sanction of supreme authority.

Those arms, therefore, those officers, those troops, are placed

not to overawe, but to protect. While I plead, they bid me, my lords, speak with composure; nay, with courage; and promise me not only safety, but attention. The rest of the multitude, so many, at least, as are Roman citizens, are on our side; and every man whom you see crowding the places from whence the smallest part of the forum can be viewed, expecting the event of this trial, is interested in our favour, and thinks that the sentence which condemns or acquits Milo, fixes the fate of himself, his posterity, his country, and his property.

One set of men are, indeed, our determined, inveterate enemies: I mean those robbers and incendiaries trained up by the madness of Clodius, and supported by rapine, burnings, and every destructive species of public calamity; who, instigated by the speeches of yesterday, had the insolence to anticipate your judgment upon this case. But I hope, if these clamours are to have any effect, it will be that of preserving to his own country a brave citizen, and one who, for your safety, always disregarded those ruffians and their threatenings.

Therefore, my lords, let fear, if you have any, be dismissed, and act with spirit. For if ever you had it in your power to judge the honest and the brave; if ever the liberty of worthy citizens was placed in your hands; if ever men selected from the most illustrious of our orders, had an opportunity to render effectual, by their conduct and decisions, those favourable intimations which they had before often given by their words and gestures; all these powers are vested in you at this time, that you may pronounce whether we, who have still been devoted to your authority, should still languish under oppression; or, after so long persecution, from the most abandoned citizens, we should at last be relieved by your integrity, virtue, and wisdom.

For what, my lords, can be more irksome, what more exquisitely tormenting can be conceived or expressed, than that we, whose services to our country gave us a right to expect the highest honours, should now be subjected to the dread of the most infamous punishment? I thought, indeed, that all the storms and tempests which tumultuary faction and distracted

counsels raise, must break upon the head of Milo, because he has ever patronised virtue, and opposed licentiousness; but little did I imagine, when the affair was brought to a regular trial, on which the greatest and most illustrious men in Rome were to sit as judges, that the enemies of Milo should harbour a thought of succeeding in their endeavours, not only to affect his life, but to stain his glory. For, my lords, unless it shall appear to your full conviction that Milo was treacherously beset by Clodius, I shall not endeavour to influence your judgment upon this fact, by displaying the tribuneship of Milo, nor the conduct of his whole life, spent in a series of successful services to his country. Neither shall I plead the merit of those services as an atonement for one rash action; nor suggest, that if the safety of you who sit on that tribunal was incompatible with the life of Clodius, your deliverance was owing to the virtue of Milo, rather than the guardian genius of Rome. But if the treachery of Clodius should appear plain as the sun at noon-day, I shall, my lords, beg, I shall conjure you, if we have lost all other advantages, that we may retain this one poor privilege of defending, with impunity, our lives against the unjust violence of our enemies.

But before I touch upon those points that more immediately affect the present question, some things are to be discussed, often advanced in the senate by our enemies, by ruffians, and lately by our accusers, before a certain assembly; that, every medium of error being dispelled, you may judge of the naked merits of the cause. They, my lords, deny that a man who confesses he has killed another, should be suffered to see the sun. In what place do these fools think they are arguing? Surely not in that city where the first decision in a capital case was upon the life of the brave Horatius, who, before the date of Roman liberty, was acquitted by the assembled comitia of the Roman people, though he confessed that with his own hand he had killed his sister.

Where is the man who is ignorant that, in cases of bloodshed, the fact is either absolutely denied; or, if admitted, maintained to be just and lawful? Were it not so, Africanus

must be deemed a madman; who, being publicly asked by C. Cæbo, the factious tribune of the people, what was his opinion of the death of Gracchus, answered, that he was lawfully killed. Nor can the great Ahala Servilius, P. Nasica Opimius, Marius, or the senate when I was consul, be deemed otherwise than criminal, if it is a crime to put to death the abandoned of our own country. Therefore, my lords, it is not without reason that some ingenious writers have, in fabulous histories, informed us, that when a difference in opinion arose with regard to the man who had revenged the death of his father, by that of the murderess his mother, the parricide was acquitted by the oracle; an oracle too, my lords, pronounced by the goddess of wisdom herself. And if the twelve tables have made it lawful, absolutely and unconditionally, to kill a thief in the night, and by day, in case he shall defend himself with a weapon, who can be so unreasonable as to think that no circumstance or manner attending the killing of any man, ought to excuse the person who kills him, from punishment? Since it is plain that the laws themselves sometimes put into our hands the sword which is to shed the blood of man.

But if there can be a time (as there are many) when this is not only lawful, but necessary, it is when force can be repelled only by force. When a military tribune, a relation of Caius Marius, attempted to pollute the body of a soldier in that general's army, the ravisher was killed by the soldier, who was acquitted by that great man; since the virtuous youth chose to avoid, at the hazard of his life, what he could not suffer without the violation of his honour. To a traitor, then, and a robber, what death can be deemed unjust?

What avail those very guards, and to what purpose are they suffered to wear swords, if they are permitted upon no account to use them? The law says, that when our life is endangered by treachery, or by the insidious attacks of robbers and enemies, all the means which we can use for our deliverance are justifiable. This, my lords, is a law not adopted by custom, but inherent to our being; a law not received, learned, or read, but an essential, congenial, inseparable character of nature; a

law which we have not by institution, but by constitution; not derived from authority, but existing with consciousness. In short, my lords, statutes are silenced by arms; nor do they presume that a man is to wait for justice from the formal decision of a court, while the sword of violence is ready to put an end to his life.

Even that very law which prohibits not only murder, but the carrying a weapon with a design to murder, wisely, and in some measure tacitly, establishes the right of self-defence; that, when the inquiry is, not upon the manner, but the reason of a man's being killed, the person who kills another with a weapon, in self-defence may never, in the construction of the law, be presumed to wear that weapon with a murderous intention. This, my lords, I hope will be admitted as a principle; and I make no doubt of being able to prove my defence, if you keep in your eye, what it is impossible you should lose sight of; I mean the lawfulness of killing the man who lies in wait to murder you.

I come now to consider an objection which is frequent in the mouths of Milo's enemies; that the killing of Clodius was declared by the senate to be an act of treason against the commonwealth. But, my lords, how often did the senate, not only solemnly, but zealously, approve the action! How often was this affair canvassed in that assembly! How great was the satisfaction of the whole order! How loud, how unreserved their applause! When in the fullest house were found only four, or at most, five senators who did not take the part of Milo? For the truth of this, my lords, I appeal to the short-lived harangues of that scorched tribune, in which he every day alleged that the senators decreed not according to their own sentiments, but in compliance with my directions; and daily inveighed against my power. If you choose to call it power, rather than a reasonable degree of authority in a rightful cause, to which one may have a title by extraordinary services to his country; or a moderate credit with worthy men, on account of my painful endeavours to promote the public good; you may term it so, provided I shall always exert it in protection of the virtuous against the fury of the wicked.

But this special commission, though I am far from saying it is iniquitous, was what the senate never thought fit to grant; because many laws and precedents, both with regard to riots and murders, are extant. Nor, indeed, was that assembly so deeply affected by the death of Clodius, as to issue out any such extraordinary commission. For who can imagine that the senate, which was deprived of the power of judging him upon the commission of an incestuous whoredom, would grant any extraordinary commission for inquiring into the circumstances of his death? But why then (may it be said) did the senate adjudge the burning of the court, the attack upon the house of Lepidus, and this very bloodshed, to be acts of treason against the commonwealth? Because all acts of violence committed in a free state, by one citizen against another, are, in the eye of the law, presumed to be committed against the state. For, though such a defence against violence is never desirable, yet sometimes it may be unavoidable. Nay, even on the days when the Gracchi were killed, and when the armed force of Saturninus was suppressed, though all was done for the public welfare, yet the republic received a wound. Therefore, I was of opinion that, when it appeared a man was killed on the Appian way, the person who acted on the defensive was guilty of no act of treason against the state. But, as the case included a charge of premeditated violence, I reserved the cognizance of that to the proper judges, and I admitted the fact. And, if the fury of that seditious tribune had suffered the senate to act according to its own sentiments, we should at this time have had no new commission for a trial; for the senate was coming to a resolution, that the affair should only be specially tried, according to our ancient laws. The vote was divided; at whose request I shall not say; for it is unnecessary to display the personal faults of every man: thus the authority remaining in the senate was, by a mercenary interposition, abolished.

But it may be said that Pompey, by the bill which he brought in, had an eye both to the action and its motives; for its enacting clauses related to the bloodshed committed in the Appian way, where Publius Clodius was killed. But what did

it enact? why, that it may be tried. What was to be tried? whether it was committed? Nobody disputes that it was. Then, by whom? That we likewise confess. Thus Pompey perceived that, though the fact was confessed, yet still a point of law might arise to acquit the prisoner. I say, that unless Pompey had been sensible that the prisoner, upon confession, might be acquitted, when he perceived that we confessed, he would never have ordered a new commission for a trial; nor have put, my lords, into your hands a saving as well as a condemning letter. Surely, to me, Pompey seems not only to have decreed nothing harsh against Milo, but his decision appears to direct you in the point which you ought principally to have in view. For to grant a person who is convicted of a fact upon his own confession, the liberty of making his own defence, is a plain implication that the judges are of opinion that the inquiry ought not to be upon the matter of fact, but of law. Now Pompey is at liberty candidly to declare whether his proceeding in this affair was from a regard to the memory of Clodius, or to the necessity of the juncture.

M. Drusus, a tribune of the people, a man of the highest quality, an assertor, nay, in these days, almost the protector, of the rights of the senate, and uncle to the brave Marcus Cato, one of our judges, was killed in his own house. But the people never intermeddled with the inquiry into this murder; nor did the senate grant any extraordinary commission for a trial on that account. We have heard from our fathers, the grief, the consternation, which appeared in this city when Publius Africanus, in the night-time, was assassinated, as he reposed on his own bed. What breast then was so obdurate as not to sigh; what heart so insensible as not to grieve, that a man whom the wishes of mankind (could wishes have prevailed) would have rendered immortal, should be cut off before the natural course of his life was fulfilled?

Was then no new trial granted for inquiring into the death of Africanus? None. Why? because murder is equally heinous in its own nature, whether it is the fate of the eminent or the obscure. A difference, indeed, lies in the two characters; but

the impious murder of the one is subjected to the same penalty, and judged by the same laws, with that of the other; unless it be said that the crimes of a parricide receive some aggravation from his killing a senator, beyond what they would have admitted of, had he been the murderer of a private person; or that the circumstances of the death of Clodius were more heinous, as he was slain upon the public monuments of his family—for that, too, has been insisted upon—as if the great Appius Cæcus had paved that road, not to be a conveniency and an ornament to his country, but as a sanctuary to screen the felonies of his posterity.

When P. Clodius killed M. Papirius, that accomplished Roman knight, on the same road, his crime must pass unpunished; for, as he was a person of quality, he had only killed a Roman knight upon the pavement made by his own family. What a fruitful source of declamation has this Appian name afforded! While it was stained with the murder of a brave and innocent man, it was never mentioned; but now, that it is discoloured with the blood of a robber and a murderer, it is become a common topic of conversation. But why do I dwell upon these circumstances? When a slave of P. Clodius was seized in the Temple of Castor, where he had been placed to assassinate Pompey, the wretch confessed the design as they were wresting the dagger out of his hand. Pompey afterwards absented himself from the forum; he absented himself from the senate; he absented himself from the public; and thought fit to put himself under the protection of the wall and gates of his house, rather than of the laws and judges of his country. But did any law at that time pass? Was any extraordinary commission for a trial then granted? Yet, if ever any circumstance was so affecting, if ever any person was of such dignity, if ever any juncture was of such importance, as to make that measure expedient, it was in that case. A traitor was posted in the forum, even in the threshold of the senate-house, with a design to assassinate the man upon whose life the preservation of the state depended; and at a period, too, so critical to the republic, that, had he then fallen, not only this city, but the body of the Roman

empire, must have shared in his fate. And did he escape punishment, only because his designs proved abortive? As if the laws of Rome were to regard, not the intention of the criminal, but the success of his crime. The villainy not being perpetrated, did indeed alleviate the grief of the public, but never could extenuate the guilt of the villain.

How often, my lords, have I myself escaped the threatening sword, and butchering hand, of Clodius? And if I had not owed my safety to my own or my country's good fortune, where is the man who would have procured an extraordinary trial upon my death? But it is weak in me to presume to compare a Drusus, an Africanus, a Pompey, or a Cicero, to Clodius: their lives could easily be dispensed with; but at the thought of the death of Clodius, the senate is afflicted; the whole equestrian order grieved; the city shook, as with age and infirmity; the Roman corporations in mourning; our colonies in consternation; even the fields themselves regret the loss of a citizen so benevolent, so upright, and so humane. These were not, my lords, indeed they were not, the reasons why Pompey thought himself obliged to order a commission for a special trial. But that prudent person, who is endued with an almost divine penetration, comprehended many points within his view. He reflected that Clodius had been his enemy, that Milo was his friend; and justly dreaded that if he appeared to share in the general joy, he might appear insincere in the ties of a newly-cemented friendship.

He had a great many other circumstances in his eye; but this especially, that though he was obliged to enact with severity, yet that you, my lords, would judge with courage. He therefore chose for judges the very lights of our most illustrious bodies; nor, as has been falsely asserted, did he keep my friends out of the commission. This is what that excellent person never had in his thoughts; and if he confined his choice of the judges to men of probity and honour, he could not have had it in his power. My interest, my lords, is not confined to my intimate friends, who cannot be numerous, because the endearing familiarities of life can never be very

extensive; but if I have any interest, it is owing to the connections which my public character has led me into with the best men in the Commonwealth. As Pompey, therefore, wisely thought that his reputation was interested in choosing the best from among all good men, to sit upon that tribunal, he was under a necessity of choosing my friends.

In making you, Lucius Domitius, the president of this court, he consulted nothing but equity, resolution, humanity, and honour. By his law he enacted that the president of this court should be a person of consular dignity; because, I suppose, he held it as a maxim that men of distinction ought to be proof against the attacks both of an inconstant populace and a desperate faction; and that he distinguished you from the rest of your order, is owing to the many conspicuous proofs which, from your early youth, you have given of your contempt of popular madness.

Therefore, my lords, that we may at last come to the nature of this crime, and the merits of the question; if the confession of the fact is by no means unprecedented; if the determination of the senate has been entirely agreeable to what we contended for; if the very enactor of the law was of opinion that, though no question of fact could arise, yet there might of law; if the judges who were chosen, if the president who was appointed, were men who can distinguish upon all those points with equity and understanding; all that remains now, my lords, to be discussed is, which was the party that laid the ambush for the other? That I may more easily and clearly handle this point, I beg your attention while I give a short statement of the fact.

After Publius Clodius had resolved, when created prætor, to plague his country with every species of oppression, and saw, from the tedious management of the comitia, the year before, that he could not for many months enjoy his dignity; not considering it as a step to other public honours, as the rest of the candidates did; unwilling to act as colleague with a citizen of such consummate virtue as Lucius Paulus, and desirous of having the power to oppress his country extended to twelve months, he unexpectedly reserved the interest he had made for

that year to the succeeding; not from any religious scruple, but, as he himself owned, that he might have a full and complete year for enjoying his prætorship; or, in other words, for ruining his country.

He reflected that the exercise of his prætorial power must be cramped and feeble, should Milo be consul, whom he perceived the universal applause of the Roman people was ready to raise to that dignity. He then struck in with the candidates who opposed Milo; but so as to manage the whole solicitations, and over-rule them in every instance: that, as he himself boasted, he might support all the courts of justice upon his own shoulders. He summoned the tribes; he thrust himself into their deliberations; and formed a new Collinian tribe, by enrolling into it a number of the most abandoned citizens. The more Clodius endeavoured to confound, the more Milo appeared to prevail. But, when the execrable villain saw this brave man, this irreconcilable foe, must infallibly be consul; when he found his election sure, not only by the discourses, but by the votes, of the Roman people; he then threw off the mask, and openly declared that Milo must be slain.

He next brought from the Apennines those rustic barbarous slaves, whom you used to see, by whom he had depopulated the public forests, and plundered Tuscany. This was by no means a dark transaction; for he openly boasted that, if he could not deprive Milo of the consulate, he could of his life. This he hinted in the senate, and declared in the assembly; for when Favonius, a man of virtue and courage, asked him, what would become of all his hopes of gratifying his madness, since Milo lived? he answered, that in three or four days Milo would be dead. This expression was immediately communicated to Marcus Cato by Favonius.

In the meantime, as soon as Clodius knew (as it was easy for him to do) that Milo was to set out upon a solemn, a legal, and indispensable duty, and that he was obliged, by the 18th of January, to be at Lanuvium, where he was dictator, in order to appoint a priest, he suddenly went from Rome, as appears by the event, that he might surprise Milo in his own grounds.

Nay, he was so eagerly bent upon his treachery, that he left a tumultuous meeting, which he had summoned that very day, and which required to be animated by his own factious spirit. This he never would have done, had he not have been resolved to be exact to the precise time and place of the assassination.

But Milo, after having been in the senate that day till the house broke up, came home, shifted his shoes and clothes, and, as usual, waited a little, while his wife was getting ready. He then set out, much about the time when Clodius, had he designed to come to Rome that day, might have returned. Clodius meets him, equipped, upon horseback, unattended by his chariot, without any incumbrances, without any of his usual Grecian servants, and, what was more extraordinary, without his wife. While the traitor before you, who had set out with a murderous intention, was riding in a chariot with his wife, muffled up in his cloak, surrounded by a numerous incumbrance of common servants, fearful women, and feeble boys.

About an hour before sunset he meets Clodius near his own estate; a body of men, taking advantage of a rising ground, immediately attack him with their darts; his coachman is killed; he himself, throwing off his cloak, springs on the ground, that he might sell his life as dear as he could. The party that was with Clodius, drawing their swords, run back to the chariot, that they might attack him behind: another party, who imagined him already dead, began to murder his slaves who had not come up: some of them, who were true to their master, and were most forward, were killed; while the others saw the encounter near the chariot, and, unable to advance to their master's assistance, heard from Clodius himself that he was dead, and actually believed it. The slaves of Milo then acted (I speak not with an intention to shift the charge, but to represent the fact), without the orders, without the knowledge, without the presence, of their master, as every man would wish his own servants should act, were he in the like circumstances.

What I have laid before you, my lords, is the naked fact; the traitor was conquered; force was repelled by force; or rather audaciousness was overpowered by courage. I shall not

mention the consequences of this action to the republic, to you, its consequences to every good man: they are not, it is true, of any service to Milo, whose destiny is such, that he could not even preserve himself, without saving you and his country. If this was unwarrantable, I will then give up his defence; but if reason prescribes to the instructed, necessity to barbarians, custom to nations, and instinct to brutes, that they ought, by every means they can call in to their assistance, to repel all violence offered to their bodies, their reputations, or lives; you, my lords, surely cannot adjudge this to be an unlawful action, without at the same time putting every man who falls into the hands of ruffians, upon the melancholy alternative of perishing, either by their swords, or your decisions.

Had Milo, my lords, been of this opinion, it had been much more eligible for him to have exposed his throat to the sword of Clodius, more than once before lifted against his life, than to be put to death by you only for refusing to be butchered by him. But if you are unanimously of a contrary opinion, the proper question then is, not if Clodius was killed (for that we confess), but if he was killed justly or unjustly; a point of inquiry that has been before canvassed in many trials. That treachery has been practised, is certain; and this is what the senate adjudged to be an act of treason. By whom it was practised, is uncertain; therefore this court was constituted to inquire. Thus the decree of the senate related to the action, not to the man; and Pompey appointed the trial, not upon the matter of fact, but of law. Is nothing else, therefore, to be decided here but who was the aggressor? Nothing. If Milo was, whether he ought to be unpunished? If Clodius was, whether he ought not to be acquitted?

But how can it be proved that Clodius waylaid Milo? It is sufficient to prove it, my lords, if so lawless, so presumptuous a brute found strong reasons persuading, flattering hopes inviting, and vast advantages arising, from the death of Milo. The question of Cassius, therefore, "Whose ends could it serve?" is very applicable here. Though no advantage can tempt good men, very trifling considerations lead the wicked into crimes.

Clodius, by the death of Milo, was to gain not only this point, that, when he should be prætor, the villainy of his conduct would be under no check from Milo as consul, but likewise, that he would be prætor under such consuls, by whose connivance, if not assistance, he still hoped that he might brave the republic in his frantic projects. He further conjectured, that they would not, if it was in their power, oppose his designs, since they lay under such strong obligations to him; and that, perhaps, it would be out of their power, if they should attempt to chastise the presumption of so abandoned a wretch, now confirmed and hardened by a long perseverance in wickedness.

Are you, my lords, alone ignorant? Are you only passengers in this city? Are you strangers to what was the common talk of the town, which makes no secret of the laws (if they deserve that name, rather than that of the torches and plagues of the city) with which he designed to brand and fetter us all? Sextus Clodius, produce, produce, produce, I say, that register of your laws, which they say you snatched, like another Palladium, from his house, amidst the terror of arms and nocturnal riot, that you may transfer that illustrious legacy, that system of government, to some future tribune, if you can meet with any such, whose conduct shall be directed by your will. Now he surveys me with that look, that insolence of the eye, with which he used to threaten every insult to the citizens. I am, indeed, struck with that light which breaks from our courts of law. But can you imagine, Sextus, that I am incensed against you? You, who inflicted a more cruel punishment upon the man I most hated, than my humanity suffered me to require? You threw the bloody corpse of Publius Clodius out of his house; you threw it into the public street; you by night abandoned it, destitute of its images, pageantry, pomp, and praise, half consumed with unhallowed wood, as a prey to prowling dogs. All this, though you did it to a lawless wretch, yet can I not commend; but, as my enemy was the object of your cruelty, surely I have no reason to be offended.

You saw, my lords, that the prætorship of Clodius could neither have begun nor ended, without putting the public under

the deepest apprehensions of a fatal revolution, unless the man who had both the courage and ability to control him, should be consul. As the whole Roman people turned their eyes upon Milo for this purpose, what citizen could have hesitated a moment to have bestowed his vote in delivering himself from dread, and his country from danger? But, now that Clodius is removed, it requires extraordinary efforts in Milo to support his election. The glory which was peculiar to him, and which daily increased, by his stemming the Clodian fury, is now vanished by the death of Clodius. You, my lords, need now fear no citizen; but Milo has lost the object that exercised his courage, the interest that supported his election, and the fountain that supplied his glory. The election of Milo to the consulate, which, in the lifetime of Clodius, could not be defeated, now he is dead, begins to be disputed. Thus, the death of Clodius not only is of no advantage to, but has weakened the interest of, Milo.

But it may be said that hatred predominated, anger prompted, and resentment pushed him on; he avenged his own wrongs, he redressed his own grievances. No, my lords, I will prove that these were motives, I will not say more prevalent with Clodius than with Milo, but existing with the one in the highest degree, with the other not at all; and what require you more? For why should Milo bear to Clodius, that source, that ripener of his glory, any other resentment than what every patriot ought to bear to every ruffian? But the enmity of Clodius first fastened on Milo, for being the restorer and protector of my liberty and life; then for his opposing and controlling his violence and fury; and lastly, upon his commencing his accuser. For Clodius, as long as he lived, was liable to be convicted, by Milo, upon the Plotian law. Can you, my lords, imagine that all this could go easily down with the overbearing spirit of Clodius? How deep, and, in an unjust person, even how justifiable, must have been his hatred?

It now remains that Clodius should be vindicated by arguments drawn from his manners and character, and that these must convict Milo. It must be proved that Clodius was

all gentleness, and Milo all violence! How so, my lords? When I bade my melancholy adieu to you and this city, did I decline standing my trial; or, did I not retire from the slaves, the arms, and the outrages of Clodius? Then where was the justice in restoring me to liberty, if he could be justified in driving me into exile? He had summoned me, I know he had, to take my trial: he had amerced me in a fine, and impeached me of treason. Had I reason to dread the event of a trial in a cause which, as it related to you, was infamous, and, as it concerned me, inglorious? Was this the case? No! but I was unwilling to expose my countrymen, whose liberties my counsels had preserved, and whose lives my dangers had saved, to the swords of needy slaves and profligate citizens.

I saw, my lords, I saw Quintus Hortensius, the present light and ornament of the republic, almost assassinated by slaves while he assisted me; and in the same tumult, the excellent Marcus Vibienus, a senator, who was in his company, was mortally wounded. When did the dagger, bequeathed to Clodius by Catiline, ever after rest in its sheath? He aimed it at me; but I was unwilling that you, my lords, should intercept the stroke. It threatened the life of Pompey, and stained the Appian way, that monument of the Clodian family, with the blood of Papirius. The same, yea, the same dagger (you know it) was, after a long intermission, again lifted to my breast, and lately had almost put an end to my days at the Palatium.

Is there any parallel to this in the character of Milo? Of Milo, my lords, whose power was never forcibly exerted but in preventing Clodius, when he could not be brought to justice, from violating the peace of his country? Had his intention been to kill him, what complete, what frequent, what glorious opportunities he had! Must he not have been justified by every law of self-defence, had the ruffian fallen in the attack he made upon his house and household gods? Was not the life of Clodius at the mercy of Milo, when his colleague, Publius Sextus, a citizen of distinguished merit and courage, was wounded? And again, when the excellent Quintus Fabricius was abused, and when the forum was polluted with the blood of

innocent Romans, upon his proposing the law which reversed my banishment? Again, when the house of Lucius Cæcilius, that brave, that equitable prætor, was assaulted? Again, when the law in my favour passed? When the cheerful voice of the assembled people of all Italy, aroused by a concern for my safety, cheerfully decreed to Milo the merit of my deliverance; and, had he then struck the blow, Rome herself would have been proud to have shared in the glory.

At that time, the noble and brave Publius Lentulus, the enemy of Clodius, the avenger of his crimes, the protector of the senate, the assertor of your authority, the patron of that public meeting, and the restorer of my safety, was consul: seven prætors, eight tribunes of the people, opposed Clodius, and favoured me. Pompey, too, the proposer and patron of my return, whom all the senate seconded in that important, that illustrious decree, which reversed my banishment, was his enemy. Pompey, who encouraged the Roman people, and who, upon the decree passed in my favour at Capua, gave out the watchword that united all Italy, then imploring the sanction of his authority, in a general demand, to have my sentence reversed. In short, so strong were the affections of the public towards me, and so invincible their hatred to Clodius, that, had he then been killed, their cares had not, as now, been employed how to acquit, but how to reward, the man by whose hand he fell.

Yet Milo, ever moderate, twice employed the legal, but never once the violent, means of redress against Clodius. But what do I say? When Milo was liable, in a private capacity, to the justice of the people, when Clodius was his prosecutor, when Pompey was assaulted, while speaking in defence of Milo, how easy, nay, how justifiable, had it then been to have killed him! Even lately, when Marcus Antonius had inspired every good man with the hopes of seeing better days; when that noble youth had bravely undertaken the weightiest concern of his country, and held at bay that savage who had slipped his neck out of the toils of justice; immortal gods! how favourable was then the juncture, and how convenient the spot, for despatching him! How easy had it been for Milo, when Clodius sheltered

his guilty head beneath a dark staircase, to have despatched that curse of his country, and thereby have at once consulted his own safety, and completed Antonius's glory.

How frequent were his opportunities, while the comitia were held in the open field! When Clodius had forcibly broke in upon the palisades, and employed every outrage of swords and stones; and then, daunted with the look of Milo, fled towards the river; how earnest were your, and every good man's wishes, that Milo had then made the proper use of his courage?

Shall Milo then be supposed to incur the resentment of some, yet be deaf to the applause of all? Was he afraid to venture, when he might have ventured securely; when the laws, the place, and the time were on his side, and yet boldly strike, when the rashness of the deed, unfavourable circumstances, and an untoward juncture, endangered his life? Especially, my lords, as his struggle for the highest honour his country can bestow, and the day of his election, was at hand; a day (for I have experienced the fears, the anxieties, and the cares inseparable from ambition, and a desire of the consulate) when we dread everything; when we dread not only the effect of public reproach, but the result of private suspicion; when we tremble at rumour, however false, however invented, however idle the story; when we explore the looks and features of every man we meet: for nothing, my lords, is so delicate, nothing so tender, nothing so frail, and nothing so flexible, as the opinion and sentiments of our fellow-citizens on such occasions; who not only resent the dishonourable conduct of a candidate, but often loathe him when pursuing the most public-spirited measures.

Shall Milo, then, on the day of election, a day which he wished, which he sighed to see, be supposed to approach that august assembly with his hands imbrued in blood, betraying and confessing his guilt? How unlike is this to the man! Yet how natural was it for Clodius to imagine that, were Milo murdered, he would reign as absolute as a king! For who, my lords, is ignorant that the source of injury, the incentive to guilt, is the hope of impunity? Where might these hopes then be presumed to lie? In Milo, who is now before you, arraigned

for doing a meritorious, or, at least, an unavoidable piece of justice; or, in Clodius, who had so thorough a contempt both of trials and penalties, that he delighted in nothing that was not repugnant to humanity, and inconsistent with law?

But why should I argue, why dispute any longer? I call upon you, Quintus Petilius, who are a brave and an honourable man; I appeal to you, Marcus Cato, whom a certain divine award has placed on that tribunal. You were informed by Favonius that Clodius had told him (you heard, even in the lifetime of Clodius, that he had threatened) Milo should be dead in three days. On the fourth day he attempted what he had before threatened; and, as he made no scruple to disclose what he designed, shall you be at a loss to guess at what he acted?

But how could Clodius be certain of his day? That I have already accounted for. It was an easy matter to learn that that day was set apart for the sacrifices of the dictator of Lanuvium. He saw that Milo was indispensably obliged to set out for Lanuvium on that day: he, therefore, was on the road beforehand. But on what day? On that day, as I observed before, when a distracted mad assembly was spirited up by the arts of his own creature, a corrupted tribune. A day, an assembly, and a tumult, that he would have enjoyed, had he not been eager to execute the meditated murder. Therefore, he could have even a reason for going, though he had none for staying. Milo, so far from having it in his power to stay, was obliged to go: not by duty only, but necessity. It appears, therefore, that Clodius was sure Milo must that day be on the road. But, it may be asked, had Milo no reason to know he must meet with Clodius.

Give me leave first to ask, my lords, how he could come by this knowledge? A question you cannot put with regard to Clodius: for, had he asked no other than his intimate, Titus Patina, he might have learned that Milo was under a necessity, as dictator of Lanuvium, to create a flamen there that very day; and a great many others, even every man of Lanuvium, could have readily informed him of this fact. But how was Milo to learn when Clodius returned? Admit that he inquired (see

what a large concession I make); admit, with my friend Arrias, that he had corrupted a slave. But read the evidence of your own witnesses: Caius Causinius, surnamed Scola, an Interamnian, an intimate companion of Publius Clodius, and who formerly swore that Clodius at the same hour was at Interamna and Rome, tells you that Publius Clodius was to have passed that day at his seat near Alba; but that he received the sudden news that Cyrus, the architect, was dead, upon which he immediately resolved to set out for Rome. Caius Clodius, another companion of Publius Clodius, concurs in the same facts. Observe, my lords, how many points are given up by this evidence. In the first place, Milo is plainly acquitted of any design he could have of intercepting Clodius upon the road, as it was impossible he could expect to meet him. In the next place (for I see no reason why in my own person I ought not to make my advantage of this circumstance), know, my lords, that there were some that solicited the law for this prosecution, who affirmed that, though the murder was committed by the hand of Milo, yet that the plot was laid by a more eminent person. They meant ME; and these abandoned ruffians, by this suggestion, represented me as a robber and murderer. Thus they who say that Clodius would not have returned to Rome that day, had he not heard of the death of Cyrus, are condemned upon their own evidence. Thus I recover my spirits; I am acquitted; and assured none will ever suspect my counsels could hatch, what it was impossible my heart should conceive.

Let me now touch upon their other objections, for there is an obvious one, say they: then it follows that Clodius, as he was to have remained at his seat in Alba, did not leave his seat upon any murderous intention, and could entertain no design of surprising Milo. But it is plain that the person who, as is pretended, informed him of the death of Cyrus, did not inform him of that, but of Milo's approach. For what could he inform him with regard to Cyrus, whom Clodius, when he went from Rome, left expiring? I was present, I sealed up his will along with Clodius; for he had publicly made his will, and had appointed

Clodius and me his heirs. And was he then told, at the tenth hour of the day after, that the man whom he had left in the agonies of death, at the third hour of the day before, was dead? But, admitting it had been so, why all this hurry back to Rome? Why travel in the night-time? What occasioned all this haste? Was it because he was the heir? In the first place, the legacy required no hurry on his part. In the next place, if it had, could he receive it only that night; and must he have lost it, if he had waited till next day? But as a journey in the night to town was rather to be shunned than desired on the part of Clodius, so on the part of Milo, had he formed a plot against his enemy's life, it is to be presumed that, as he knew Clodius was to come to town that night, he would have watched his opportunity by waylaying him.

Had Milo killed Clodius by night, in a suspicious place, haunted with robbers, everybody, had he denied the fact, must have believed the man in whose preservation, even though he confesses it, all mankind takes a concern. Let us consider, first, this belief must have gained ground from the character of the place, which is a haunt and refuge of robbers; while the silent solitude and trusty shades must have concealed Milo. Next, as many had been harassed, stripped, and plundered by the deceased near the same place, and many more dreaded lest they should be treated in the same manner, the suspicion must have fallen upon them. In short, all Etruria might have been arraigned as criminal.

But Clodius, being resolved to return that day from Aricia, struck off from his road towards that of Alba. Now, though Milo had been absolutely sure that Clodius had left Aricia, yet he had reason to suspect that, though he was to return that day to Rome, he would call at his own seat, which lies upon the road. Why then did he not either despatch him before he reached it, lest he should remain there, or plant himself in a proper place, where he was sure Clodius was to pass in the night-time? Thus far, my lords, every circumstance concurs in proving that the life of Clodius was useful to Milo; but that Clodius could reach the darling object of his ambition only by

the death of Milo: that the one had an invincible malice towards the other; the other none towards him: that the constant practice of the one was to commit, and of the other to suppress, violence: that the life of Milo was publicly threatened, and his death foretold by Clodius; but it appears that Milo used no such threatenings: that the day on which he was to set out, was known to Clodius; but that Milo was entirely ignorant of the time when Clodius was to return: that Milo's journey was indispensable; but that of Clodius, if anything, was inconvenient: that the one had declared he was to leave Rome on a certain day; but that the other had concealed his intentions of returning on that day: that no accident had altered Milo's design; but that the other had invented pretexts for altering his: that, if Milo had intended to waylay Clodius, he would have hovered about the city till it was dark; but that, though the other had no reason to fear Milo, he ought to have dreaded a journey towards Rome so late in the night.

Let us now examine the principal point, whether the place where they encountered was most favourable to Milo, or to Clodius. But, my lords, are you longer to deliberate, are you longer to doubt of that? Since it was near the estate of Clodius, where at least a thousand able-bodied men were employed in carrying on his extravagant buildings. Did Milo think he had the advantage by attacking him from a rising ground, and therefore chose such a ground for the scene of action? Or did Clodius wait for him upon that ground, which he thought so favourable for his treacherous attack? My lords, the thing speaks for itself, and that sure is the strongest argument.

Were the thing to be expressed in painting instead of words, you might even then distinguish the traitor from the undesigning person: as the one was sitting in his chariot, wrapped up in his cloak, and his wife by his side, it is hard to say if the cloak, the chariot, or the companion, was the greatest incumbrance. For what can carry less the appearance of a design to fight, than a man entangled in a cloak, shut up in a chariot, and almost fettered by a wife? Now, my lords, survey Clodius,

first leaving his seat in a hurry; for what reason? In the evening; upon what emergency? Late; to what purpose, especially at that season? He turns off to Pompey's country-house; why? That he might visit Pompey? He knew he was at his seat by Alsium. Was it to view his house? He had been in it a thousand times. Then what could be his motive for all this sauntering and shifting? Why, to loiter, to gain time, that he might be sure to be on the spot when Milo came up.

Now, view the way of travelling of a well-appointed robber, compared with the incumbrances of Milo! Clodius, before that day, always travelled with his wife; on that occasion she was absent. He constantly rode in a chariot; he was then on horseback. His Greek minions still attended him wherever he went, even when he posted down to the Tuscan camp; at that time he had nothing trifling, nothing superfluous in his retinue. Milo, contrary to his constant practice, happened then to carry along with him a band of singing-boys, and a troop of girls, belonging to his wife. Clodius, who never travelled without his whores, his catamites, and his pimps, was on that occasion attended as a man who expected to encounter with a man. Why then, it may be said, did Clodius fall? Because, my lords, the traveller does not always fall by the hand of the robber, but sometimes the robber by that of the traveller. Because, though Clodius prepared, attacked Milo unprepared, yet it was an attack of a woman upon men. For Milo never was so little upon his guard as to leave himself quite defenceless; he kept it always in view, what an interest Clodius had in his death, how great his hatred to his person, and what temerity in his nature. He likewise knew the large reward his enemy had set upon his head, and the determined resolution with which he pursued his life: therefore he never exposed his person unguarded and unattended. Add to this, accidents, the uncertain event of the encounter, and the common chance of war, which often turns the scale against the victor, when ready to seize his prey, and exulting in his success. Add, the unskilfulness of a flushed, drunken, staggering leader,

who, after he had surrounded the person of his foe, never reflected that he had still to deal with his more remote attendants; encountering with whom, while they were burning with resentment, and despairing of their master's life, he received that chastisement which every faithful servant will inflict on the man whom he supposes to be his master's murderer.

But then, why has he set them at liberty? Because he was afraid they should betray him? Lest they should not be able to endure pain? Lest they should be tortured to confess that Clodius was killed by the servants of Milo upon the Appian way? But what occasion for torture? What was you to extort? If Clodius was killed? He was killed: but whether lawfully, or unlawfully, can that be extorted by the rack? The executioner may put the question as to the matter of fact, but the matter of law belongs only to the judge.

The question arising from law, we now debate; the question to be extorted by the rack we have already confessed. But if you rather ask why he set them at liberty, than why he did not give them extraordinary rewards, it is a proof that you are at a loss how to fix a charge upon the prisoner. For Marcus Cato, who sits on this bench, and who never speaks but with spirit and resolution, said, in a mutinous assembly, which was quelled by Milo's personal authority, that slaves who defended the life of their master deserved not only liberty, but the most extensive rewards: for what reward can be too great for a master to bestow upon those slaves through whose duty, affection, and courage, he lives? Though life itself, my lords, is but a second consideration when compared with that of their saving him from glutting the eyes, and satiating the wishes, of his most mortal enemy with the sight of his mangled bloody corse. Yet, had he not freed them, he must have delivered these preservers of his life, these avengers of villainy, these defenders of innocent blood, to the pain and ignominy of a rack. Yet, of all his misfortunes, one is more tolerable than the rest, which is, that however it fares with himself, it has been in his power to reward them as they have deserved.

But the confessions that are now extorting in the porch of the Temple of Liberty, bear hard upon Milo. From whose slaves are they extorted, let me ask you? From those of Publius Clodius. Who demanded them? Appius. Who produced them? Appius. From whence came they? From Appius. Immortal gods! can anything be more cruel? No slave can be examined against his master, but in a case of incest, as was that of Clodius; who now approaches more near the gods than he did when he forced his way into their most awful retirements; and about whose death there is the same inquisition as is due to a violation of their sacred mysteries. But our ancestors suffered no confession to be extorted from a slave, which affects his master; not because they could not by that means come at truth, but because their masters thought such a proceeding dishonourable, and even worse than death.

When the slaves of a prosecutor are tortured to affect the life of a prisoner, is truth to be expected? Let us now see the question and its nature, that has been put by Appius. You, Rufio, you, Casca, take care you speak truth! (Supposing him to say so.) Did Clodius waylay Milo? He did. Then drag them to immediate death. He did not. Then amuse them with the hopes of liberty. Is not this an infallible way to come at truth? They are suddenly dragged to the rack, but confined separately, and shut up in dungeons, where they were suffered to speak with nobody. At last, after they had been for a hundred days in the hands of the prosecutor, the same prosecutor produces them. Can anything be more fair, more impartial, than such an examination?

If, my lords, you are not yet fully convinced, notwithstanding the many strong proofs and arguments which have been brought, that Milo returned to Rome in all that purity of heart, with all the serenity of conscience that attends the man who is polluted with no wickedness, haunted by no dread, and tortured by no remorse; I conjure you, by the immortal gods, to call to mind the quickness of his return; his manner of entering the forum, while the courts were in a blaze; his intrepidity, his looks, and his words. He surrendered himself, not to the

people only, but to the senate: not only to the senate, but to the troops and guards of the public; and not to them only, but to the authority of that man whom the senate has intrusted with the sole management of the commonwealth, the government of the Italian youth, and the direction of the Roman arms: one to whom he surely never had delivered himself, had he not trusted in his cause; especially as that great man heard all, dreaded much, suspected many things, and believed some. Great, my lords, is the power of conscience, great, both in the innocent and the guilty, to quiet the fears of the one, and to represent the punishment of the other always before his eyes. Nor was it without good grounds that Milo's cause was ever favoured by the senate; for their discerning wisdom perceived the reason of the action, the tranquillity of his soul, and the consistency of his defence. Sure, my lords, you have not forgot, when the news of the death of Clodius arrived, what the talk and sentiments were, not only of Milo's enemies, but of some indifferent, though weak, people, who affirmed that Milo would never return to Rome.

Some, perhaps, imagined that, prompted by a sudden start of passion to kill the enemy he hated, he thought the death of Clodius of so much consequence, that he could unconcernedly go into exile, since he had glutted his revenge in the blood of his foe. Others conjectured, as he had delivered his country by killing Clodius, that the same brave man who had purchased safety to Rome by his own danger, would cheerfully submit to the laws, carry off with him the unfading glory of the action, and leave us to enjoy those liberties he had preserved. Many, calling him a Catiline, talked of his monstrous wickedness: He will break out (said they); he will seize some place of strength; he will turn rebel. Unhappy often is the fate of those who deserve best of their country; their most glorious actions are forgotten, or else suspected as unwarrantable. These suggestions were all false; yet surely they must have been true, had Milo committed aught that he could not justify. How many calumnies were afterwards heaped upon him? Such, my lords, as, had he been conscious but of the most trifling offence, must

have daunted him. Yet how did he bear them? Immortal gods! he bore them; nay, he slighted, he despised them. A character not to be sustained by the greatest courage, without the purest innocence; nor by the purest innocence, without the greatest courage. It was whispered about, that a great number of shields, of swords, of bridles, of javelins, and darts, would be seized; that there was not a street, nor an alley, in the town, in which Milo had not hired a store-house; that arms were brought to his seat at Oriculum down the Tiber; that his house on the hill of the Capitol was quite filled with shields; and every other place was full of hand-grenades, for setting fire to the city. These things were not only rumoured, but almost believed; nor were they known to be false, till they were inquired into.

I commended, indeed, the incredible application of Pompey: but let me freely speak as I think. They, my lords, on whom the entire cares of a state are devolved are necessarily obliged to hear a great deal too much. Even a despicable fellow, a butcher, Licinius I think they call him, must be heard: he gave information that the slaves of Milo had got drunk at his house; that they confessed they had entered into a conspiracy to kill Pompey; and that afterwards one of them had stabbed him, lest he should make the discovery. All this he told to Pompey at his gardens. I was instantly sent for; and by the advice of his friends, the affair was laid before the senate. I own, my lords, I almost died on hearing the danger which had impended over the guardian of me and my country. I could not help, however, being surprised that such a fellow should be credited; that the confessions of slaves should be read; and that a wound in the side, which seemed no bigger than the prick of a needle, should pass for the stroke of a gladiator.

But, as I understand, Pompey was rather cautious than fearful; and was suspicious, not only where there was real danger, but even an appearance of it, that he might place you above all dread. There was for several hours together a report that the house of Caius Cæsar, a man of the greatest quality and courage, had been assaulted in the night-time. Nobody had

perceived any such thing happen in that frequented place; yet still the report prevailed. I could not suspect Pompey of cowardice, who is a citizen of the most consummate virtues; nor did I think that any inquiry, when undertaken for the common safety, could be too strict. In a full senate assembled at the Capitol, a member affirmed that Milo wore a concealed sword. He stripped himself within that awful temple, because his conduct, both as a man and a Roman, could not obtain belief; that while he was dumb, his innocence might plead for itself: and then everything was found to be false and malicious.

But, if Milo is still dreaded, it is no longer the Clodian charge we fear; but we tremble, Pompey (I call on you by your name, that you may hear me), for your, I say, we tremble for your suspicions. If you are afraid of Milo; if you imagine that at this instant he meditates, or ever before conspired, against your life; if the forces of Italy (as some in your commission dictate); if the arms of Rome; if the troops of the Capitol; if these sentries, and that guard; if the flower of our youth, who attend your person, and watch your house, is armed against the fury of Milo; if all these precautions are taken, prepared, and pointed against him; great surely must be his strength, and incredible his boldness, far excelling the forces and power of a single man; since, against him alone our bravest general is to act, and the arms of the whole republic are to be directed. But who is so ignorant as not to know that these troops are to restore and prop every feeble, every drooping part of the empire, which are now all put into your hands? Had Milo had an opportunity, he could have proved to yourself that no man ever was more dear to another than you are to him; that he never declined danger to assert your dignity; that, to vindicate your glory, he often encountered the ruffian Clodius; that your counsels determined him as tribune in every step he took for my preservation, which then was dear to you; that you afterwards protected him when his life was endangered; assisted him in his solicitations for the prætorship; and that he still relied on two unalterable friends: on you, for the favours he had received; on me, for obligations he had conferred. If he had failed in the proof of all this; if

your jealousy had been invincible; if the levies of Italy, and the troubles of Rome, were not to cease but in the ruin of Milo; such is his nature, and such are his principles, that he would have departed a willing and ready exile. Yet, most illustrious Pompey, in that dreadful hour, as in this, to you he would have made his appeal.

How fleeting, how inconstant is life! How flattering, how unstable is fortune! How treacherous, and how temporising, are friends! How ready to abandon us! How apt to tremble in the hour of danger are our nearest relations! The time, the time will come, the day will dawn, when you, though, I hope, not endangered, yet perhaps shaken, by the public convulsions (which, as they are now so frequent, ought never to surprise us), when you, I say, shall stand in need of the affection of the best friend, the integrity of the wisest patriot, and the courage of the bravest man that Rome or the world beholds.

Yet who can believe that Pompey, so well skilled in the laws of Rome, in the practice of our ancestors, and in the constitution of his country, when the senate had given in charge, that the republic should receive no injury (a sentence that always of itself armed the consuls, though even no arms were put into their hands), that this Pompey, I say, should wait with an army, with such a numerous levy, the event of this trial, and defend, in the course of law, the conduct of that man whose proceedings tended to abolish law itself? It was sufficient that Pompey judged all these charges against Milo to be groundless, since he enacted a law, by which I apprehend that Milo ought to be, and all the world is persuaded that he may be, acquitted.

Pompey sitting in that place, surrounded with the public guards, is a sufficient declaration that he has no intention to overawe, but to protect this court; for nothing could be more unworthy than for him to force you to condemn the man whom, from numerous precedents, and by his own authority, he had a right to punish. All he means, is to let you understand that you are now at full liberty to pass what censure you please upon yesterday's riotous assembly.

But, my lords, the Clodian charge gives me no concern: I am

neither so unthinking, ignorant, nor inexperienced, as not to know your sentiments upon the death of Clodius. Even though I had not washed away the blood of Clodius, as I have done, yet Milo securely, and with a glorious falsehood, might have publicly arrogated the merit of the action. I have slain, might he have said, I have slain, not a Spurius Melius, who, in a time of scarcity, lowered the price of corn, though to the ruin of his own estate, and who was suspected of having an eye to royalty, because of his affecting too great popularity; not a Tiberius Gracchus, who seditiously annulled the authority of his colleague; yet their destroyers have filled the world with the glory of their exploits: but (for the man who saved his country, at the hazard of his own life, had a right to use such language) I have slain a man, whose infamous adulteries our noblest matrons detected even in the most awful recesses of immortal beings; whose punishment, as the senate often decreed, ought to expiate the violation of sacred rights: the man whose incest with his own sister, Lucullus swore he had discovered by torture: the man who, by means of slaves, drove a citizen from his country, whom the voice of the senate, of the people, and of all nations, adjudged to be the preserver of Rome, and the Romans: the man who gave and resumed kingdoms, and parcelled out the world to what men, and in what manner he pleased: the man who, after committing many murders in the forum, obliged, by his ruffian violence, a citizen of the highest virtue, and the highest rank, to shelter himself within the walls of his own house: the man whose lust knew no check, and whose guilt no bounds: the man who set on fire the Temple of the Nymphs, that he might destroy the public register, which contained the censure of his crimes: the man, in short, who disdained the laws of Rome, the law of nations, and the distinctions of right and wrong: who scorned to seize the property of another by the quibbles of a court, by suborned evidence, or false oaths; but invaded it with troops, encampments, and regular forces: who, by his encampments and troops, endeavoured to dispossess, not only the Tuscans (for them he always held in utter contempt), but also to deprive Varius, that brave honest man, and one of

our judges, of all his estate: the man who, with his architects, and their poles, surveyed the seats and gardens of a great many citizens, and grasped in his own imagination all that lies between Janiculum and the Alps; who, when he could not prevail with Titus Pacuvius, an eminent Roman knight, and a man of spirit, to sell an island upon the lake Prilium, instantly conveyed materials for building, in boats, lime, timber, stones, and arms, into the island, and in sight of the proprietor, who was but on the opposite bank, built a house on an estate to which he had no right. Who (for I shall pass by the story of the poor Scantia, and the young Apronius, whom he threatened with death, unless they yielded him the possession of their gardens) durst, immortal gods! tell such a man as Titus Furfanius, that if he did not give him the sum of money he demanded, he would convey a dead body into his house! With what an inveterate malice must that man burn, who dispossessed, in his absence, his brother Appius of his estate; a man with whom I am under the strongest obligations of friendship! Who attempted to run a wall across a courtyard belonging to his sister, and to carry it up to such a height as to deprive her not only of the courtyard, but of all access and light to her house!

Yet all these crimes were even then thought supportable, though perpetrated equally on states as on private persons, upon the remotest as well as the nearest, upon strangers as well as relations. But habit had worn off the edge of public resentment, and the city grew unaccountably insensible through his repeated violences. Yet by what means could you either avert or suffer those dangers, that were more immediate, and more threatening? Had he got possession of the government, to say nothing of our allies, or of foreign powers, kings, and princes (for you would have had reason to thank the gods, if he had spent his fury upon those rather than upon your estates), neither your houses nor your coffers:—But why do I talk of houses and coffers? By heavens, neither your children nor your wives; no, not even your children nor your wives, my lords, had been unviolated by his unbridled lusts. Do you

conceive that I exaggerate? Is not all this evident? Is it not notorious? Is it not fact, that he would have raised a body of slaves in this city, by which he was to seize the liberties and properties of Rome and the Romans? Therefore, if Titus Annius, holding up the bloody dagger, had cried, "My countrymen, hear and attend: I have killed Publius Clodius; I have, with this dagger, and with this hand, repelled from your necks the yoke of that fury which threatened all that was dear to you, and which no law could confine, no government could bridle. To me it is owing, that equity, justice, law, liberty, decency, and modesty, have yet a being in this city." Could Milo fear how such an action would be relished by his country? Where is now the man who does not approve, who does not applaud it? Where is the man who does not both say and think that Milo, of all men in our memory, has done the greatest service to the republic; and that he has diffused transports over the inhabitants of Rome, of all Italy, and the world? I am no judge how far those joys which our ancestors conceived might transport them, yet this age has seen a less exquisite, and a less durable, ecstacy, than this action gave, attend the noblest victories of our bravest generals.

Treasure up this, my lords, in your memories: I hope it will be the earnest of many public blessings to you and your children; and that the enjoyment of each shall be still attended with this reflection, that, had Clodius lived, these blessings had never been: we now entertain the highest, and, I trust, the best grounded hopes in this very year, that, under the consulate of that great man, the restoration of law and justice, and the safety of Rome, shall be founded upon the downfall of ruffian fury, and the men of lawless lust. But who, my lords, is so simple as to believe, that had Clodius lived, this ever could have been the case? How could the property, how could the possession, of what yourselves, or your forefathers, have gained, be ensured, if at the mercy of such a frantic wretch? I am under no apprehension, my lords, that the keenness of my resentment should make it seem as if I flung out all this with more freedom than truth: for, though I greatly hated him, yet

so common an enemy was he to mankind, that my detestation of him is scarcely greater than that of the whole world. No words can express, no thought can conceive, what an execrable, what a pernicious ruffian he was. Reflect, my lords, upon one thing: as you are now trying Milo for the death of Clodius, let me imagine (for imagination is free, and such its effect upon the mind, as to persuade us of the reality of what it represents), I will imagine, therefore, a picture of what I now suppose.

Form, therefore, in your thoughts, the picture of this my supposition, that you shall acquit Milo, on condition that I could make Clodius revive. What! do you turn pale at the image of this? Then how would the life affect you? Do you dread him in imagination? Then how would he strike you in his real person? What! if the great Pompey, whose quality and merit are such as to be able to effect what no man alive can; if he, I say, had it in his option, either to appoint a court for trying the death of Clodius, or to raise him from the dead, which do you believe he would have chose? Though, as a friend, he should incline to raise Clodius from death, yet the love of his country would oppose the dictates of friendship. You therefore preside as the avengers of the death of a man whom, were it in your power, you would refuse to restore to life. And a commission for inquiring into his death has passed by law, which law, could it have brought him from death, never had passed. If Milo then killed Clodius, is he, by confessing it, to dread punishment from the sentence of those men whom that action restored to liberty?

The Greeks decreed divine honours to the men who put tyrants to death. What have I seen at Athens! what in the other cities of Greece! What a profusion of divinity was ascribed to such heroes! What hymns! what songs! They were worshipped with ceremonies, and a veneration approaching to immortality. Yet this saviour of a mighty state, this avenger of enormous guilt, you have suffered not only to remain unhonoured, but to be dragged as a criminal to the bar. He would, I say, he would have confessed, had he done it; the action, and owned with boldness, with intrepidity, that he

did it for the public good: this he would not only have confessed, but proclaimed.

For, if he does not deny an action for which he craves nothing but pardon, shall he hesitate to confess that which might have flattered him with the prospect of reward? Unless he imagines it to be more agreeable to you that he saved himself than all Rome: especially as your gratitude, upon this confession, must have been attended with the noblest distinctions the public could bestow. But if you should not have approved of the action (yet how can we suppose that any man can disapprove of providing for his own safety?), if the courage and virtue of the bravest man alive had been disowned by his country, yet would he, with a generous, with an honest indignation, have left this ungrateful city. For what can be a greater expression of ingratitude, than that the only person who mourns, amidst a universal joy, should be the man from whom all this joy is derived?

Yet has it been the invariable maxim of the Romans, in destroying the oppressors of their country, that, as it was ours to reap the glory and honour, so it should be ours to share in the danger and difficulty attending the action. Where must my glory, where must my merit, have been, had my country imagined that all I encountered and surmounted in my consulship for you, my lords, and your posterity, might have been effected without the most mighty struggles? Where is the woman who would not have dared to kill a rebel, and a ruffian Roman, if she apprehended no danger? But the man whom neither death, danger, nor obloquy damps in his attempts to serve his country, is a man indeed. It belongs to a grateful people to crown with honours and rewards, the deserving patriot; and to him not to repent, from the dread even of capital punishment, that has bravely discharged his duty. Milo therefore might have avowed this deed in the same manner as Ahala, as Nasica, as Opimius, as Marius, and as I myself did. Had his country been grateful, he might have rejoiced: had she been ungrateful, yet still must he have been supported by the home-felt satisfaction of his own mind,

amidst all the pressures of his fortune. But on this occasion, my lords, the guardian genius of Rome, your own preservation, and the immortal gods, challenge your gratitude. Nor can any man think otherwise, but he who at the same time denies the power of the gods and the justice of Providence; who is unaffected with the grandeur of the Roman empire; blind to the beauties of the sun, the revolutions of the natural system, the dependence and subordination of causes; nay, what is still more extraordinary, to the wisdom of our ancestors, who were not only the reverential practisers, but the careful transmitters, of divine rites and worship, to us, their posterity.

There exists, believe me, there exists, I say, a providential power; nor is there implanted in the frail, the puny composition of mortals, any principle, either of consciousness or sensation, which is not equally diffused through the beautiful, the expanded system of universal nature; unless mankind will think otherwise, because it is not immediately subjected to the organs of their senses; as if it were possible for us plainly to discern, either in what manner or point, the principle by which we deliberate and determine, by which we now act and speak exists. This providential power, which, by its own unsearchable means, raised your country to glory and to empire, has destroyed this public execration: first, by inspiring him with presumption to irritate by violence, to provoke by the sword, the gallant Milo; and then, by delivering him up to the hand of the man by whose death he would have obtained an eternal privilege and impunity of guilt. This, my lords, was not effected by human foresight, but by an extraordinary vigilance of the immortal gods over the preservation of Rome. Their awful holiness, which was witness to the fall of this monster, seemed to interest itself in his fate, and to vindicate its own authority in his destruction. I implore and attest you, ye Alban mounts and groves! and you, ye dismantled altars of the Albans, companions and partners with the Romans in their rites! those altars which his fury buried under the frantic piles of a tasteless extravagance, after demolishing every awful grove, and every religious recess. But in the moment of his

fall, your shrines recovered their splendour, your rites their worship, and your power its influence; which had all been contaminated by his guilt. And you, O awful Jove! from the exalted summit of the Latian mount, whose streams, whose woods, and borders, have been so often profaned by the lawless lust, and the criminal pollutions, of Clodius, at length your eyes were opened to behold his punishment: to you, to you, ye powers, that late, though just and merited, forfeit was due, and in your sight it was paid.

It cannot, sure, be pretended that by chance he received the first wound, which delivered him up to a shameful death after his encounter with Milo before the chapel, and, I may add, under the eye of the Bona Dea, which stands upon the estate of that accomplished and virtuous youth, T. Sergius Gallus; as if his former corrupted judges had acquitted him only, that he might be reserved for this edifying death. Nor can it be denied that the resentment of the gods infatuated his retainers with such a frenzy, as to commit to the flames his exposed corpse without pageants, without hymns, without shows, without pomp, without praise, without sorrow, without solemnities; besmeared with putrid gore, and deprived of those rights of burial which are due, and granted, even to foes. Piety, I imagine, would not permit the images of so many celebrated heroes to grace the funerals of so execrable a parricide: nor that the dogs should tear him, when dead, in any other place than in that where he had been so often condemned, and cursed, while alive.

Hard, indeed, yea, very hard and cruel, seemed to me the fortune of the Roman people, who so long, and so often, had seen and suffered him to repeat his insults upon the common-wealth. No shrine of the gods was so venerable as to be unpolluted by his lust; no decree of the senate so solemn as not to be violated by his guilt. When a criminal, he openly corrupted his judges; when a tribune, he industriously harassed the senators. The most salutary measures, concerted and approved of by every order, for the good of the public, were by him repealed. Me he drove from my country; he plundered

my goods; he fired my house; he persecuted my wife and children. Against Pompey, he denounced impious war. 'Magistrates and citizens, by his means, were assassinated. He burned the house of my brother. He pillaged Tuscany; and drove many from their habitations and estates. Ever eager, ever rapid, neither Rome, Italy, provinces, nor kingdoms, could confine the torrent of his frenzy. Within his house he was engrossing laws, by which we were to be subjected to our own slaves; and he intended that this year no man could have called what he possessed his own, should Clodius wish to possess it.

None but Milo opposed his projects. Pompey, the only person who was most capable, he thought his firm friend by their late reconciliation. The power of Cæsar he accounted as his own; and my fate had taught him to despise the sentiments of every good, of every honest man. Milo alone bearded him. In this situation, the immortal gods, as I observed before, infatuated this abandoned, this frantic wretch, with the resolution to surprise Milo: this pestilence could have ceased by no other means; nor was the authority of the republic so strong as to be able to avenge her own cause.

Are we to imagine that the senate could have curbed him when a prætor, since they made so little progress in checking him while he was but a private man? Could the consuls have been strong enough to restrain their prætor? In the first place, had Milo been killed, the two consuls must have been of his faction. In the next place, what consul would have had the spirit to thwart him as prætor, whom he remembered, while tribune, to have most cruelly harassed a person of consular dignity? He might have obtained, oppressed, and possessed everything. By the new law, which was found among the other Clodian laws, he would have made our slaves his free-men. In short, had not the immortal gods stricken him, weak and womanish as he was, with the frantic resolution of attempting the death of that brave man, your republic this day had not had a being.

Had he been prætor, had he been consul, would he have

committed nothing destructive in these temples, and this forum, could we suppose that they had been able to stand till he should be consul? In short, had he been alive, would he have committed no havoc, who, when dead, by the instigation of Sextus Clodius, one of his dependants, set on fire the courts of justice? Was ever sight more miserable, more dreadful, or more melancholy, than that the temple of the holiness, majesty, wisdom, and conduct of the public, the head of this city, the shrine of her allies, and the refuge of all nations, the temple appointed by the unanimous voice of the Roman people to be the seat of the senate, should be fired, erased, and polluted? This was not the action of a heedless mob (though even that had been deplorable), but of one man, who, if he dared to commit such havoc with a torch for his friend when dead, what must he not have attempted, had he displayed a standard for the same friend had he been alive? He chose, too, to throw the body of Clodius into the senate-house, that he might, when dead, burn what he had overthrown while alive.

Shall some then affect to talk of the Appian way, yet be silent as to the senate-house? Can we imagine that the forum could have resisted the efforts of the man when full of life and spirit, whose lifeless corse consumed the senate-house? Raise, raise him, if you can, from the dead; try to break the rage that breathed from the living man, though you had well-nigh fallen victims to the furies that attended the unburied body. Unless you pretend that you quelled the attacks of those who flew to the senate-house with torches, to the temple of Castor with scythes, and marched all over the forum with swords. You have beheld the people of Rome massacred; and an assembly attacked with arms, while the tribune, Marcus Caelius, was speaking to the attentive people: a man resolute in the cause of his country; firmly attached to what he undertakes; devoted to the friends of virtue, and the authority of the senate; and in this affair, whether you call it the persecution or peculiar fortune of Milo, amazing, divine, and incredible, has been his integrity.

But enough has been said by way of defence, and perhaps too much by way of digression. What remains, but that I

should beseech and conjure you, my lords, to extend to a brave man the compassion which he refuses to implore? But I, against his will, with zeal, with fervency, implore it. Though, amidst all this our deluge of grief, you never have beheld Milo drop a tear; though you perceive the same resolution in his looks as ever, the same firmness of voice, and intrepidity of language, yet let favour take place. Nor, indeed, do I know if anything ought to plead more effectually for him than such a deportment. For when we see the encounters of gladiators, and the behaviour and fate of the lowest order of mankind, though we detest cowards, and those who meanly beg for life; yet at the same time we delight to save the brave, the spirited, and those who cheerfully invite, nay, obstinately provoke, the fatal stroke; and they who seem to disdain our compassion, excite it more than they who implore it. Then how much more powerfully ought these sentiments to prevail, when the case is that of a brave citizen?

For my own part, my lords, I am dispirited, I am pierced, by the expressions of Milo, which I often hear, and daily witness. "May the Romans (cries he), may the Romans prosper; may they be safe; may they be glorious; may they be happy! However she may treat me, may this glorious city, and my country, which ever shall be dear to me, flourish: may my fellow-citizens enjoy that tranquillity of government which I, though alone, have purchased, yet can I not partake of. I yield me, I retire: if I cannot be a member of a virtuous, yet I shall be freed from a corrupted government; and the first civilised land of liberty that I shall tread, in it will I rest.

"What abortive toils (he cries) have I undergone! What deceitful hopes have I harboured! What vain speculations have I entertained! Could I, who, when tribune, devoted myself to the senate, which, when oppressed, I sheltered; to the Roman knights, whom when feeble, I strengthened; to the wise and virtuous, whom, when deprived of their influence by the fury of Clodius, I supported; could I ever think that the protection of the wise and virtuous would be wanting to me? When I restored you, my friend Cicero (for we often discourse

together), to your country, could I imagine that country would throw me from her bosom? Where is now that senate whom we followed? Where, where, indeed, says he, your boasted Roman knights? Where are the applauses of the corporations? Where the voice of the people of Italy? Where, my Cicero, where is thy art, where thy eloquence, that used to relieve so many distressed? Shall they be unavailing only to me, who have so often faced death and danger for you?"

Nor, my lords, does he pronounce these words, like me, in tears, but with the same intrepid look you now behold. He denies, yea, he denies that what he acted was for the ungrateful; but owns it was for those who are fearful, and for those who contemplate every appearance of danger. He owns that, in order to put you out of danger, he gained over the mob and the commonalty of Rome, which, while attached to Clodius, threatened all that was dear to you; that he not only curbed them by his courage, but softened them at the expense of his three inheritances. Nor does he fear, while he appeased the people by his liberality, but that he reconciled you to his conduct, by his eminent services to the public. Whatever turn his affairs may take, wherever he shall go, he says that it is out of the power of fortune to deprive him of those repeated marks of esteem bestowed upon him by the senate; and the distinctions of regard, affection, and love, so often expressed by you, and your orders.

He remembers too, that, to have been declared consul, he wanted only the voice of the crier; a ceremony he did not at all affect; but that he was raised to that dignity by the voice of a united people; a distinction which was the only wish of his soul; and, in short, that if these troops are drawn up against him, it is not his guilt, but the suspicion of it, that arms them. He, likewise, is sensible of this undoubted truth, that not reward, but virtue, is the motive of the glorious actions performed by the brave and wise; and is conscious that every action of his life has been great: for what can be greater, than for a hero, at the hazard of his own life, to bring deliverance to his country? And happy are they whom their fellow-citizens honour for this.

He thinks them far from being miserable, whose patriotism is greater than the reward attending it; and he remains fully convinced of this truth, that if the intrinsic value of all the rewards of virtue were computed, the preference must be given to glory. That this alone compensates the shortness of life by the duration of fame, which represents us when absent, and immortalises us when dead; and that glory is, in short, the step by which men seem to aspire to be gods.

“Of me (says he) the inhabitants of Rome, and the world, shall speak: the remotest posterity will not be silent concerning me. Even in this instant, while my enemies are piling around me all their flaming brands of calumny, am I celebrated by the speeches, thanks, and applauses of every assembly of mortals; to speak nothing of the Tuscan festivals. It is now, I think, upwards of a hundred days since Clodius was killed; and now not only the fame of the action, but the joy it imparts, is diffused beyond the remotest bounds of the Roman empire. Therefore (continues he), how this body of mine is disposed of, is to me indifferent, since my renown already fills, and shall ever possess, every corner of the world.”

This, Milo, was often your discourse to me while these were absent; and now that they are present, I repeat it to you. The virtues of your mind, I, indeed, want words to express; but the more divinely fair these virtues are in you, the more bitter are the pangs of separation to me. Nor, when you are torn from me, have I the poor, the bootless, satisfaction of being angry with those who inflict so deep a wound. We are separated not by my foes, but my intimate friends; by the perpetual objects, not of my enmity, but of my gratitude. Yet, my lords, sensible as this affliction is to me (and sure nothing could equally affect me); never shall that, nor any other distress, render my heart unmindful of your former favours; still shall the grateful remembrance of them live in my soul. But if it is extinguished in you, if I have incurred your indignation, why am I not made the sacrifice instead of him: for I shall account my days crowned with honour, if they are closed before my eyes behold such calamity befalling Milo.

Yet, O my friend, still am I left with this comfort, that no act of piety, affection or duty to you, has been wanting in me. For you have I incurred the frowns of power; against your foes have I often ventured my life and liberty: for you have I often prostrated myself as a suppliant; my own and my family's estate have I risked, to perish or survive with your fortunes. And in this very hour, if any injury, if any punishment, is designed against you, I deprecate it on my own head. What now remains? What can I do? What shall I say? How can I discharge the debt I owe you, if I share not in your fortunes; I am ready, I am prepared; and, my lords, beg that you would either crown your favours by the safety of my friend, or command me to cancel them by his ruin.

Milo stands unmoved with the tears I shed. Amazing fortitude of soul! he thinks he never can be an exile, but in the land where virtue has no being; and that death is not the penalty, but the dissolution, of nature. Let him then retain his natural intrepidity of soul. But how, my lords, are you to determine? How, indeed! Will you banish the person of the man whose remembrance you indulge with pleasure? And can any land afford a nobler scene for these virtues, than that where they first existed? I call on you, ye heroes; on you who have profusely shed your blood for your country: ye centurions, ye soldiers, to you I appeal in this hour of danger to the best of men, and the bravest of Romans: while you are looking on, while your swords are in your hands, while you guard this tribunal, shall such amazing courage be expelled, be extirpated, be spurned out of this city?

Wretch, unhappy wretch that I am! Could you, Milo, by these, recall me to my country? and by these shall I be unable to retain you in yours? How shall I answer it to my children, who thought you another father? How to you, my brother Quintus, now absent, the partner of all my dangers, that I was not able to ensure the safety of Milo, by those who were the instruments of my own preservation? In what cause am I under this inability? In a cause approved of by all mankind. Who have put me under this inability? They who,

have gained most by the death of Clodius. Who solicits them? I myself.

What wickedness have I contrived? What enormous crimes have I perpetrated? Is it because I traced, disclosed, exposed, and extinguished, a conspiracy big with universal desolation? From that fountain spring all the miseries of me and mine! Why did you desire my return from banishment? Was it that I might witness the exile of the authors of my deliverance? Do not, my lords, I conjure you, render my return more bitter than was my expulsion. For how can I think that I am restored to my country, if I am torn from those who restored me?

I wish to the immortal gods (with reverence to you, O my country! I speak this, lest the piety of my sentiments for Milo should be an execration to you) that Publius Clodius were not only alive, but consul, dictator, prætor, could it save me from beholding this calamity. Immortal gods! is a brave man, my lords, to be preserved by you? By no means, he cries: the traitor met with the fate he deserved; and let me, if it must be so, undergo the punishment I have not deserved. Shall then the man born to save his own country, resign his breath in another? But if he must die for his country, will you keep at home the monuments of his spirit, yet deny a tomb in Italy to the remains of his body? Can any man give his voice for expelling from this city the hero whom every city upon earth would be proud to receive?

Happy that country which shall shelter him! Ungrateful this, should she expel, and wretched should she lose him! Here must I stop: my tears deny utterance to my tongue; and the commands of Milo forbid the intercession of my tears. In your decision, my lords, dare, I conjure you, to be just; give your votes according to the dictates of your consciences. Believe me, your firmness, your equity, and your virtue, will be most agreeable to the man who, on this occasion, has raised to the bench the best, the wisest, and the bravest of mankind.

ORATION FOR MARCELLUS.

THIS day, conscript fathers, has loosed my tongue from the silence which grief and regard, uninfluenced by fear, imposed in these times of danger; and from this hour will I date the recovery of my old, my manly freedom, of speaking what I think. Ill should my silence suit the proofs of such excessive humanity, such unparalleled, such unprecedented clemency, such exercise of moderation in the height of power, with a wisdom, surpassing belief, so nearly approaching to divinity. In Marcus Marcellus, conscript fathers, given back to you and his country, I imagine that it is not his voice and authority alone, but my own, that is restored to the service of Rome and her senate.

Heavily, sensibly, conscript fathers, was I afflicted, that so great a man, who had been embarked in the same cause, should not share in the same fortune with myself. Nor could I be persuaded that it was not a kind of crime in me to resume my functions in this my former course of life, while severed from the social rival of my studies, and the agreeable partner of my toils. Therefore, Caius Cæsar, you have restored me to that practice from which I have been long debarred, and to my former course of life; and at the same time erected, as it were, a flag, that promises protection, and inspires these fathers of Rome with the best-grounded hopes as to the general welfare. For I was convinced by many proofs, but by none so strong as by my own case; but lately every circumstance has confirmed me in that opinion, that when you lately gave back Marcus Marcellus to the senate, to the Romans, and to his country,

especially after recounting all his offences, your regard for the honour of this senate, and the dignity of this government, had cancelled all your resentment, and stifled all your suspicions. The unanimous intercession of the senate, with the majesty and weight of your concession in his favour, has this day amply repaid the services of his whole life. Important lesson to the great! to teach them, what a merit there is in bestowing a favour, when there is so great a glory even in receiving it! Happy is the man whose happiness is felt, not more by himself, than by all mankind! And such deservedly is the case of Marcellus; for who excels him in birth, in probity, in a blameless life, in the study of the noblest arts, or the praise of every virtuous accomplishment? Though no man alive possesses such a fountain of genius, though no man's tongue, no man's pen, has such a force, such a flow, I will not say to embellish, but to enumerate the actions of Cæsar; yet will he pardon me if I affirm, that from no action in his whole life will he reap more glory than from that of this day.

Often have I imagined, and often have I said it with rapture, that all the exploits of our generals, of those of foreign nations, the most powerful people, and the most glorious princes, fall far short of yours, in the importance of the struggles, the number of battles, the variety of scenes, the celerity of conquest, and the inequality of force. You have visited, nay, you have conquered, the most discontinuous countries, in shorter time than the passing traveller requires to hurry through them. All these are circumstances which I must be accounted void of sense did I not own them to surpass imagination and belief; yet you possess merits surpassing even these. Military glory is often extenuated in the relation, and, lest it should be engrossed by the generals, some part of it is stripped from the commander, and communicated to the private soldiers. And certainly, in war, the courage of the men, the advantage of place, the support of auxiliaries, convoys, and communications, are of great importance. But fortune still puts in her claim for the greatest share; and whatever is successful, that she arrogates to herself. But, Cæsar, in 'the glory which you have lately gained, you

have no partner: extensive, and nothing can be more so, as it is, it is wholly yours. No captain, no colonel, no troop, no battalion, can here put in for a share. Nor can even fortune, that insolent directress of human affairs, here assume any merit. She yields it to you, she owns it yours, and yours alone; for never can temerity mingle with wisdom, nor is chance admitted to counsel.

You have conquered nations brutally barbarous, immensely numerous, boundlessly extended, and furnished with everything that can make war successful. Yet all these their own nature, and the nature of things, made it possible to conquer. For no strength is so great as to be absolutely invincible, and no power so formidable as to be proof against superior force and courage. But the man who subdues passion, stifles resentment, tempers victory, and not only rears the noble, wise, and virtuous foe, when prostrate, but heightens his former dignity, is a man not to be ranked with even the greatest mortals, but resembles a god.

Therefore, O Caesar! the pens and the tongues, not only of Rome, but of all nations, shall celebrate your military glory: nor in your praises shall the latest posterity be silent. But it happens, I do not know how, that these virtues, whether read or related, seemed to be drowned in the shouts of soldiers and the clangour of trumpets; yet, when we read or hear of a merciful, a generous, a humane, a gentle, or a wise action performed, under the influence of resentment, that foe to counsel; or when flushed with victory, that prompter of insolence and pride; with what a passion are we fired for the authors of such actions, when we read them in history, nay, even in romance? We even then love those we never saw. But you, whose presence we behold, whose soul, whose sense, and whose look we perceive, that you should express your desire to save all that the fortune of war has left to your country, with what zeal ought we to attend, with what tenderness ought we to love you! The walls, sir, of this court, by heavens, seem to wear an expression of gratitude, as if conscious that a short time will restore the Roman majesty to this seat of their ancestors.

Indeed, when I beheld the tears drop from the eyes of C. Marcellus before you, a man of the most consummate virtue and piety, the remembrance of all the great Marcelli rushed upon my breast: their dignity, even after their death, you have restored, by preserving Marcus Marcellus; and have saved, almost from utter extinction, that illustrious race, now existing in but a few, a very few descendants.

To this day, therefore, may you give the preference in the long catalogue of your most applauded actions. For what you have this day done, could be done by none but Cæsar; and it is characteristically his. What you did in the field was, indeed, glorious; but you were then at the head of a body of brave men. In this action you stand single and unattended: an action so great, that you may challenge time to consume the trophies it has reared, while every monument, erected by art and labour, must yield to age and moulder into dust.

But this proof of at once a gentle and a just soul, shall ever be unfading. Time shall improve its glory, in proportion as it must consume other monuments of your greatness. You have, indeed, outdone all other conquerors in the virtues of equity and mercy, amidst the horrors of civil commotion: in this instance you have outdone yourself. But what I express is, I am afraid, faint, and unequal to what I feel. Give me leave, therefore, to say, that you seem to triumph over your own victories, by thus resigning to the conquered the fruits of your conquest. For while you had a right, by the law of arms, to treat us as enemies, we are saved by the judgment of your clemency. Deservedly, therefore, are you invincible, since you have taken even from victory its penalty and power.

Hear, then, conscript fathers, how far this clemency of Caius Cæsar extends. All of us, we must own, who, by a ruinous fatality attending this empire, were impelled to arms, are, in some measure, liable to the imputation of human infirmity; yet are we now exempted from its penalty: for, though he preserved Marcus Marcellus to his country, at your intercession, yet did he, unasked, and unsolicited, restore me to myself and the state, and the rest of those honourable men to themselves and

to Rome; hence you see this assembly so numerous, and so full of dignity. He did not bring within these walls his enemies; but he judged that his opposers were mostly hurried into arms from ignorance, from mistaken, from groundless fears, rather than ambition and cruelty.

In that war, indeed, my sentiments were still for the lenient, the healing measures of peace. Much was I grieved, that not only an accommodation, but the voices of those Romans who implored it, were slighted. Never was I active in these, or any other civil commotions; my voice and thoughts were ever intent on the gentle arts of peace, and averse from war and bloodshed. I attended the man in a private, and not in a public capacity; and so strong were the ties of gratitude on my mind, that, unexpected and undesiring, conscious and cool, I plunged into what I thought unavoidable perdition.

My advice upon this head was neither dark nor secret. While matters were yet entire, with unwearied pains I recommended peace to the senate; and at the peril of my life did I deliver my sentiments of this war. Therefore no man can judge so partially, as to doubt of Cæsar's way of thinking in this respect, since his first cares were employed to preserve the advisers of peace, while to others he was more resentful. This, perhaps, might not be so surprising, while victory was balanced, and events doubtful. But the man who, when victorious, loves the counsellors of peace, gives a noble proof that in his eyes it is more eligible not to fight than to conquer.

And, indeed, on this head I am an evidence for Marcus Marcellus; our sentiments, not as to peace only, but as to war, were always the same. How often, and in what an agony have I seen him trembling at the insolent behaviour of certain persons, and the barbarous extremities to which victory might transport them! Hence, O Cæsar! we, who had experience of all this, must needs have a more exquisite relish of your generosity; for we are not now weighing the principles of action, but the consequences of victory.

We beheld your victories close in the field where they were won, and in Rome we saw not the sword unsheathed. The

Romans who fell, fell in the heat of battle, and not by the insolence of conquest; an infallible assurance that Cæsar, did he possess the power, retains the inclination, to recall from the shades a multitude of Romans, though once his foes; for even now he saves all he possibly can. As to the other party, I shall only observe, that we all trembled lest victory, had they been victors, should be too destructive.

Not only the armed, but the unactive, were insolently threatened by some among them; and they declared they would not inquire what a man thought, but where he was; so that to me it seems as if the immortal gods (who, that some crime of the Romans might be expiated, drove them into the cruel calamity of civil war), being now either appeased or satiated, had rested all the hopes of our pardon on the wisdom and clemency of the victor.

Therefore, sir, be proud of this amiable quality, while you reconcile the enjoyment of power and glory to the indulgence of your nature and disposition; the most fruitful source of pleasure to the wise. When you reflect on other circumstances that raised you to greatness, much shall you attribute to your courage, but more to fortune. But never can you call to mind us, whom, with yourself, you have reserved to see the salvation of your country, without awakening the pleasing ideas raised by reflecting on your extensive benevolence, amazing generosity, and unparalleled wisdom; virtues that form, I will not say the highest, but the only blessing of life. For such is the effulgence of genuine glory, so great the dignity that beams from magnanimity and wisdom, that these seem the gift of virtue, and all other circumstances the loan of fortune. Indefatigably, therefore, persevere in pardoning the good, especially those who fell not by ambition, or corruption, but deluded by, perhaps, a foolish, but surely a well-meant, notion of what was their duty, and the specious pretences of public good. It is not owing to you, if some feared your resentment; but it crowns your glory, that the world in general is sensible how little foundation they had for their fears.

I now proceed to your heavy charge and gloomy suspicions;

all which ought to be guarded against, not more by you than by every Roman, especially by us whom you have preserved; and though I hope they are groundless, yet shall I never endeavour, by my expressions, to extenuate them; for your circumspection is our safety; and were I to err on any extreme, it should be that of too much caution, rather than too little prudence. But who can be so insensate? Is he of your friends? Who can be more so than they whom, contrary to their own expectations, you brought back from ruin! Is he of those who followed you to the field? Where is the wretch so frantic, as not to prefer, even to his own life, the life of the man under whose command he has risen to all that ambition could wish? But, if your friends enter into no conspiracy, may not your foes? Where are these to be found? For all who formerly were so, either owed their death to their own stubbornness, or their life to your mercy. Thus no man who ever was your foe is alive; or, if alive, he is now your determined friend.

Yet, as the mind of man is so dark, and so impenetrable, we ought to increase your distrust, and with it your circumspection. For show me the man so new to the affairs of life, such a novice in this state, so unheeding either his own or the common safety, as not to be sensible that in your preservation his own is included, and upon your life depends the life of every Roman. For my part, when I meditate night and day with due attention on the accidents of life, the uncertain enjoyment of health, and the frailty to which nature is subjected, I tremble, I grieve, that this state, which ought to be eternal, should exist in the breath of one mortal. But if, with human accidents, and doubtful events, depending on the natural constitution, treason and villainy shall co-operate, to me it appears, that a god, were he willing, must be unable to save this country.

By you alone, O Cæsar! everything, which you see overthrown and overturned by the unavoidable calamities of war, is to be replaced. Public justice must be restored; public credit retrieved; the lusts of mankind suppressed; the race of mankind propagated; and every drooping branch of the constitution, that now hangs its head, is to be reared and

supported by the wholesome severity of laws. There is no denying that, in so fierce a civil war, amidst such a combustion of arms and opinions, in every event the state must receive a shock, by the beating down some of her most graceful ornaments and firmest bulwarks. For the head of each party, in the storm of war, was forced on many measures which he would have disapproved in the calm of peace. You alone are the physician to bind up these bleeding wounds of your country, and every application from any other hand must prove ineffectual.

With reluctance, therefore, did I hear from your mouth that saying, which discovered at once the hero and the philosopher; that you had lived long enough, either for nature, or for glory. Enough if you will, for nature; nay, I will add, for glory too; but surely not for the chief purpose of life, your country! Give, give over, therefore, I conjure you, that philosophical contempt of death. Do not be a sage at the expense of your country; for it has often reached my ears, that it is commonly in your mouth that you have lived long enough for yourself. True! if I could suppose that you lived for yourself, and was born for yourself alone. But now that your courage and conduct are connected with the safety of the Romans and the constitution of Rome, so far are you from having completed, that you have not yet laid the foundation of those great designs you meditate. Thus you limit your life, not by the good of your country, but the calmness of your sentiments; yet even that is not enough for the purposes of glory; which, wise as you are, you must own to be the ruling passion of your soul.

Shall I then, say you, leave behind me but a scanty portion of glory? No, sir; to others it would be sufficient; but to Cæsar, it is but scanty. For what considered by itself is great, may prove but little, when compared with the degrees to which it may be extended. But if you are to crown all your immortal actions, by leaving Rome in her present state, after subduing your enemies, beware, great sir, lest all the divine virtues you possess, excite not admiration, rather than impart glory. For glory, true glory, is the bright, the diffusive herald of all the

praise which the lover of his country and the lover of mankind deserves.

This scene remains yet to be performed; with this catastrophe must you wind up the act of life; that you settle the constitution, and depart in peace, after beholding and enjoying the tranquillity and salvation of your country. Then, when you have paid all you owe to Rome, and when nature is satiated with living, you may pronounce that you have lived enough. But what, after all, is this enough? Is it a period that cancels all consciousness, and debars all reflection, as to every past joy of the soul? Yet a soul like yours, unbounded by the narrow limits of life, which nature prescribes to us, has ever burned with a passion for immortality.

But your life consists not in the union of soul and body; of your life, all time shall be the grateful recorder, posterity the careful nurse, and eternity the faithful guardian. For these must you labour, and by them you must be approved. Long have you performed actions that may amaze them; it is now expected you should do somewhat to delight them. Posterity, no doubt, will be struck, when it hears and reads of your conquests, your authority, the Rhine, the Ocean, the Nile, your numerous engagements, and incredible victories; your trophies, your largesses, and your triumphs; but, if the constitution of this city is not strengthened by your counsels, and guarded by your laws, your fame may traverse and flutter through the world, but never can fix in one collective point of glory. In the future, as well as in the present age, great will be the difference of opinions; while some will immortalise your actions, others, perhaps, may wish that something, yea, much more, had been done; unless, by establishing the happiness of your country, upon the extinction of civil discord, you prove that the one was the work of fate, the other of wisdom.

Submit, therefore, to the judgment of distant posterity; a more impartial judge, if I mistake not, than the present age; because their sentiments must be uninfluenced by love, ambition, hatred, or envy. But if, as some falsely reason, you shall then be unconcerned at all this, yet surely it must now affect

you; now you must aspire so to act, as that your glory may never sink into oblivion.

The affections of the citizens were different, and their⁶ sentiments divided; for not only did we oppose one another in party and principles, but in arms, and in the field. A certain mistake prevailed. The heads of both parties were the most illustrious men in Rome; many doubted which was in the right; many, what was most expedient for themselves; many, what most decent; and a few, what was most lawful. The commonwealth, at length, got over this ruinous, this destructive war. Victory favoured the man who did not inflame his resentment by conquest, but softened it by clemency; the man who did not adjudge to exile, or to death, the enemy against whom he was exasperated. Some quitted their arms; they were forced from others. That citizen is unjust and odious, who, when hostilities are laid aside in the field, retains them in his bosom; much more justifiable is he who lays down his life in the field of battle, and seals the cause he has embraced with his blood; for what some think stubbornness, others will imagine to be constancy.

But, because all civil discord is now either subdued by the arms, or extinguished by the clemency of the victor, it only remains that every wise man, every man of a sound mind, should yield the same allegiance. It is, O Cæsar! only by your remaining safe and fixed in the same principles which you have heretofore, but this day more particularly, expressed, that we can be preserved. Therefore, all of us, who wish the prosperity of our country, beg and entreat that you would provide for your life and safety; and all of us (I speak for others what I myself feel), as you apprehend some reason to be cautious, promise not only to guard you by day, and to watch you by night, but to form with our own bodies, and our own breasts, a wall for your defence.

But, that I may end as I begun: the thanks we now return you, O Cæsar! are great; and those we have in reserve are greater still: for our prayers and tears are, on this occasion, convincing proofs that we are all of the same mind: but, as

there is no necessity that we should all deliver ourselves formally, they leave that part to me, who am under a kind of necessity to express whatever is becoming, on such an occasion as that of restoring Marcellus to the senate, to the people of Rome, and to the bosom of his country; for I perceive that this universal joy springs not from a sense of the preservation of one man only, but from the good of the whole.

My regard and friendship for him were sincere and disinterested; a friendship so plain to all the world, that it scarcely yielded to that of his excellent, his affectionate brother, Caius Marcellus; and, if not to his, surely to that of no one else; since no pains, no anxiety, no toil, was wanting in me while his preservation was doubtful. And this sure is a duty which I ought to perform in an hour that has delivered me from such anguish, vexation, and anxiety. Therefore, O Cæsar! I here return you thanks, insomuch as, by this single act, you have crowned all your former favours, of preserving my life, and adding to my dignity; yet this is an accession which I thought the innumerable obligations I already owed you could not have admitted of.

FIRST ORATION AGAINST M. ANTONIUS.

BEFORE I touch, conscript fathers, upon these public concerns which I now intend to submit to your consideration, I shall, in a few words, lay before you my conduct, both in my departure and my return.

When I had some grounds to hope that the government was at last reverted to your order and authority, I determined to remain on a kind of a consular and senatorial watch; nor did I once go off my post, or ever call off my eyes from the concerns of my country, since the day on which we met in the temple of Tellus, where I did all I could to lay the foundation of peace; and for that purpose, revived an ancient usage of the Athenians. I likewise adopted the Greek term, formerly used by that people, in composing the commotions of their city; and I delivered my sentiments for burying all remembrance of civil discord in perpetual oblivion.

Specious on that occasion was the language of Marcus Antonius; strong was the appearance of his public spirit; and a reconciliation with our most worthy citizens was confirmed by him and his children. Everything that then followed was agreeable to such a beginning. He summoned the principal members of the state to assist at the consultations, which he held in his house, upon the public emergencies. To this assembly he made excellent proposals: nor at that time was there anything discovered in Cæsar's journals, but what everybody knew of; and he answered every question put to him with the greatest gravity and consistence.

Are any exiles restored? One, answered he, and but one.

Are any immunities granted? None, said he. He even wanted us to agree to the motion, made by the illustrious Servius Sulpicius, that no bill, containing either a decree or a grant of Caius Cæsar, after the ides of March, should be posted up. I pass over many other illustrious actions: for I now hurry on to mention an unparalleled action of Marcus Antonius. He utterly abolished the dictatorship out of the constitution, which had for some time possessed itself of regal power. Upon this point we did not so much as declare our sentiments. He produced an act of the senate, ready drawn up in the manner in which he wanted it to pass; which being read, we zealously and implicitly complied with his motion; and by another act, we returned him thanks in the most magnificent terms. A certain beam of light now seemed to spring by the abolition, not of royalty only, to which we had actually been subjected, but by delivering us from the dread of its ever being restored. Great was the pledge which he gave to his country, of his being willing that she should retain her liberty, since he utterly eradicated out of the state the very name of dictator, though it had been accounted legal: so great was his abhorrence of the late perpetual dictatorship.

The senate, a few days after, seemed to be free from every apprehension of bloodshed. The fugitive impostor, who had usurped the name of Caius Marius, was dragged by the hook to execution. These transactions were carried on in common with his colleague; the rest were done by Dolabella only; but had Antonius been present, I am persuaded they would have been in common to both. For when a universal contagion, had insinuated itself into the city, and was daily extending its infectious influence, and the very men who had performed a funeral without an interment, were erecting a monument in the forum; and desperate citizens, with slaves of the same dispositions, threatened every day, louder and louder, the destruction of the buildings and temples of this city; yet so strict was the eye that Dolabella kept both on the profligate insolence of the slaves, and the unnatural pollution of the citizens, and such the resolution he discovered in demolishing

the execrable pillar they had erected, that to me it is surprising his subsequent conduct should be so little of a piece with the transactions of that single day.

For behold, by the first of June, the day on which he summoned us to meet, everything was altered. Nothing done by the senate; but many things, and those of great consequence, by himself, in the absence, and against the inclinations, of the people. The consuls-elect declared that they durst not venture to come into the senate: the deliverers of their country were banished from that city, which they had freed from a servile yoke; yet were they praised by the consuls themselves, both in their assemblies and their private conversations. The veterans, as they are called, whom this body had so well provided for, were spirited up, not to guard their present possessions, but to hope for future plunder. As I chose rather to be an ear than an eye-witness of such events, and had obtained the privilege of an unlimited deputation, I departed with a resolution to assist in the senate on the calends of January, which in all probability would be the first day of our next session.

Having thus, conscript fathers, laid before you the reasons of my departure, give me leave, in a very few words, to acquaint you with the motive of my return; which has in it somewhat more surprising. After (not without reasons of my own) I had avoided going to Brundisium, and quite struck off from the high road to Greece; on the 1st of August I landed at Syracuse, because I had heard the passage from thence into Greece mentioned as the best. Yet that city, though I have a very great friendship for it, with all its entreaties, could not prevail with me to stay above a night. I was afraid that so sudden a visit to my friends, if I should tarry with them any time, might give some umbrage. But, when I was driven by stress of weather from Sicily to Leucopetra, a promontory in the territory of Rhegium, I set sail from that place, with a design to go over; but I had made but very little way, when a southerly wind drove me back to the same port.

As it was late at night, I lodged at the house of Puolius

Valerius, my companion and friend, and passed all next day likewise with him, waiting for a wind. A great number of the corporation of Rhegium, and some of those lately come from Rome, came to see me. From these I first got a copy of Antonius's speech, which gave me so much pleasure in the reading, that I began to have some thoughts of returning. Soon after, the edict of Brutus and Cassius was brought me, which, perhaps, because I love them more on a public than a private account, I thought was highly equitable. They likewise told me (for it often happens that they who want to bring any good news, make some additions of their own to render it still more agreeable) that matters were to be made up, that there was to be a full session of the senate by the 1st of August, and that Antonius having discharged his wicked advisers, and dropped his pretensions to the provinces of Gaul, would again submit to the authority of the senate.

So sanguine were my hopes upon this, that neither sails nor winds were sufficient to answer my impatience: not that I thought I could be here in time, but I wished not to be among the last to congratulate my country. In a short time I arrived at Velia, where I saw Brutus: with what anguish I saw him I will not say. Ill, I thought, did it become me to dare to return to that city from which Brutus was retiring, or to seek my safety where Brutus could not find his. But in a far different manner was he affected from me; for, supported by the consciousness of the great, the gallant action he had performed, much did he complain about our misfortunes; not at all about his own.

From him I first learned the nature of the speech delivered on the 1st of August to the senate by Piso, who, he told me, was but illy seconded by those who ought to have acted otherwise. Yet, as the same Brutus owned (and could anything be of greater weight?), and as everybody I afterwards saw declared to me, it appeared that he had acquired great glory. I therefore made despatch, that I might second him, who was unseconded by those who were in the assembly: not that I could be of any advantage to him (for that I did not expect, nor

indeed could I contribute to it), but that, if I should happen to share in the lot to which humanity is subjected (for as great many things out of the ordinary course of fate and providence seemed to threaten), I might at least bequeath to my country my speech on this occasion, as an eternal evidence of the affection I owe her. As, conscript fathers, I hope you approve of my conduct in both steps, before I enter upon the affairs of the public, give me leave to enter a short complaint upon yesterday's injurious behaviour of Marcus Antonius, to whom I am well disposed, as I always professed myself to be, on account of some obligations I lie under to him.

But what then could be the cause, why yesterday I was so rudely pressed to assist in the senate? Was I the only one who was absent? Are ye not often a much thinner house? Was your business of such consequence, that there was a necessity of even carrying the sick thither? Hannibal surely was at the gates; or, you were on a debate about a treaty with Pyrrhus! a debate, to which we are told the great Appius, old and blind as he was, was carried: you had supplications under your consideration; and in debates of this kind, there are generally abundance of senators present; not from any view of saving their forfeitures, but of gratifying the parties whose honours are under debate: the same thing likewise happens when a triumph is the question. So unconcerned are the consuls in a point like this, that a senator is almost at liberty to be absent. As I was no stranger to this custom, and a good deal fatigued with my journey, and uneasy in my own thoughts, I sent a person to him as a friend to make my excuse. But in your hearing he declared that he would come in person to my house, with workmen. This, indeed, was too passionate, and by far too indelcent a declaration: for what crime could incur such a punishment, as could warrant him to declare in his assembly that he would employ the workmen of the public to demolish a house erected at the public expense, by a decree of the senate? Whoever before laid a senator under so expensive a compulsion? Or is there any penalty known beyond that of a forfeit, or a fine? But had he known what I should have said if I had been

present, he surely would have abated somewhat of that compulsive severity.

Do you imagine, conscript fathers, though you were forced into compliance, that I should have given my vote for decreeing that parental obsequies should be mixed with public thanksgivings? That inexpiable religious rites should be introduced into the government? That supplications should be directed to a dead—— I will not say who. Had he been a Lucius Brutus, who with his own hand freed his country from regal slavery, and through a succession of almost five hundred years transmitted a representative capable of being fired with the same noble sentiments, and performing a like glorious exploit, never should I be brought to consent that the dead should be joined in the veneration due to the immortal gods; and that the man who nowhere has a monument for the parental obsequies, should be honoured with the rites of public supplication. This opinion, conscript fathers, I should have delivered, that I might be able easily to vindicate myself to the Roman people, in case of any heavy blow, through war, pestilence, or famine. Part of these we already feel; and more, I am afraid, now threaten us. But the immortal gods, I hope, will pardon the people of Rome, who do not approve of it, and the senate who were compelled to decree it.

What! are we debarred from speaking on the other grievances of the republic? No. I will, I will ever assert my dignity, and despise death. Let me but have access to this assembly, and then be mine all the dangers attending my freedom of speech. Much do I wish, conscript fathers, that I could have been present on the 1st of August: not that my presence could have aught availed, but that the consular, who was worthy of that honour, and of this republic, might not have stood unseconded, as he then did. Therefore, great is my sorrow, that the men who have enjoyed the highest honours of their country, did not support Lucius Piso, who moved for so excellent a resolution. Did the people of Rome distinguish us with consular dignity, that when placed on the highest and most conspicuous step of honour, we should set at naught her constitution? No consular•

expressed, nay, durst look in approbation of what Lucius Piso proposed.

Curse on the slaves that are so through choice; it ^{is} too much that we have been so through necessity. I do not insist on all those who are on the consular benches delivering their opinion. The case of those whose silence I pardon, is different from theirs whose opinion I demand. I am, indeed, sorry for those whom the Roman people suspect to fall below their own dignity; not through fear only (though that would be shameful), but severally for several causes.

Therefore, in the first place, I return my most sincere thanks to Lucius Piso, who did not reflect on what he *could*, but on what he *ought* to do for the service of his country. In the next place, conscript fathers, I beg of you, that if you dare not venture to second my speech, and my example, you may at least, as ye have hitherto done, afford me a favourable hearing. First then, I give it as my opinion, that the acts of Cæsar should be kept. Not that I approve of them; for who indeed can? But because I think we ought to have the highest regard to peace and tranquillity; and I wish that Anthony was here, but without his backing. He, I think, has a privilege to be indisposed; though yesterday I could not be so far indulged by him. He would instruct me, or rather, conscript fathers, you, in what manner he defends the acts of Cæsar. Shall the acts of Cæsar, contained in his loose journals, in his notes and pocket-books, produced by Anthony; nay, not produced, but only said to be extant, be valid? And shall those be engraved on brass, by which he admitted the commands of the people, and perpetual laws, be held as naught?

My opinion, indeed, is, that the laws of Cæsar are most properly his acts. If every promise he made is to be ratified, must everything that he promised to any one be ratified, though he could not perform it? As, in fact, he made many promises to many men, which he did not perform, might it not sometimes have happened that he made a great number of the same promises to a number of people? Yet, since his death, a much greater number of his promises have been found out, than ever

he granted gratuities or bounties in his life. But these are what I am neither for changing nor altering; nay, with the greatest zeal do I stand by his noble acts. I wish the money were still in the temple of Ops. It was, indeed, stained with blood; yet, since it is not returned to the rightful proprietors, it might be serviceable to us at this juncture. But let even that be dissipated, if the acts of Cæsar will have it so. Is there any one thing that may so properly be called the acts of a man, who, in peaceful robes, possessed power and command in the government, as a law which he passed? If one asks for the acts of Gracchus, the Sempronian laws are instantly produced. If of Sulla, the Cornelian. Nay, more; in what acts did Pompey's third consulate consist? Why, in his laws. Had you asked of Cæsar himself, what he had acted within the city in a civil capacity, he would have answered, that he had passed many excellent laws. But as to his notes, he would either have altered them, or not have given them; or, if he had given them, he would not have accounted them his acts. But even that I give up: some points I likewise wink at; but in the most important ones, which I conceive to be the laws, I apprehend that we ought never to suffer an abolition of Cæsar's acts.

Was ever a law of greater importance, or greater utility, or more wished-for, when the constitution was in its purity, than that by which it was enacted that the prætorian provinces should only be held for a year, and the consular for two. If this law shall be abolished, can you imagine that Cæsar's acts are inviolate? How! are not they disannulling all Cæsar's judicial laws, by that law which is now depending in relation to a third decury of judges? And can it be said that you preserve his acts, while you abolish his laws? Unless you look upon everything, which, by way of memorandum he set down in a pocket-book, as his act, and to be inviolably preserved, however unjust and useless it may be; and that which he enacted in the most regular and full assemblies of the people, to be no act of Cæsar's? But of whom is this third order of judges composed? Of centurions, says he. But how? By the Julian, before that by the Pompeian, and by the Aurelian laws, this order was

precluded from acting in a judicial capacity. But, says he, they must be qualified by having a certain estate, before they can act. Yes; but this affected not only centurions, but even Roman knights. And for that very reason it was, that the bravest and the worthiest of men, who are at the heads of corps, do now sit, and have long sat upon the bench. I don't mean these, says he; but let every man who has been at the head of a corps, have a power to judge. But if you did make a motion, that whoever had served on horseback (which is the more reputable service) might sit on the bench, you could gain no one over to your opinion; for in a judge, regard ought to be had to his fortune and dignity. These, says he, I don't mind: I even add to their number, subaltern officers from the legion composed wholly of Gallic veterans, otherwise my party thinks there can be no safety for them. Disgraceful honour to those whom, without knowing, you raise to the bench of justice! For the design of his law is, that those gentlemen should be made judges in the third decury, though at the same time they are not at liberty to judge freely. Immortal gods! what a mistake was it in those who hatched that law! For, in proportion as each shall appear a dirty tool, so the more earnestly will he endeavour to wash out his stains by judging with severity, that he may seem to be worthy of being a member in the reputable, rather than to be cast, as he ought, into the disgraceful decuries.

Another law is promulged, by which they who are convicted either of riotous or treasonable practices, may, if they please, bring an appeal to the people. But is this a law? Or, is it not rather an abrogation of all laws? For is there a man now whose interest the passing of this law can serve? Nobody is prosecuted upon these laws; and we have reason to believe that no one ever will be; for surely men will never be brought to a trial for what they have done in arms. But we are told this is a popular affair—I wish he would promote something popular; for all the citizens of Rome have but one voice, and one mind, with regard to the safety of their country. Whence then does all this eagerness proceed for passing a law, which in every degree is scandalous, and in none popular? For what can be

more scandalous than that when a man shall encroach by force on the majesty of the Roman people, and be lawfully condemned for his offence, he should have a power to have recourse to that violence for which he had before been lawfully condemned?

But why do I talk of the law, as if the question was, whether anybody would appeal? The design and import of the whole is, that no man ever shall be prosecuted upon these laws. What a stupid accuser must he be, who would expose himself to a mercenary mob, after a criminal is convicted! Or what judge would venture to give judgment for the prosecuted person, when he would expose himself the next minute to be dragged before mechanics, whom the impeached person kept in pay? No appeal, therefore, is established by that law. But two laws and proceedings, of the most salutary nature, are abolished: for what else is it, than an exhortation to young fellows to become turbulent, seditious, and hurtful citizens? And to what destructive extremities may not tribunitial madness be pushed, if the two forms of proceeding upon the charges of violence and treason shall be abolished!

What! shall we invalidate the laws of Cæsar, which order that one convicted of riotous or treasonable practices, should be cut off from the benefit of water and fire? If such an appeal should be allowed, are not the acts of Cæsar disannulled? Yet, conscript fathers, I, who never approved of his acts, am of opinion, that, for the sake of unanimity, we ought to preserve them; so that I thought it unseasonable to invalidate the author, not only of those laws which Cæsar enacted in his life-time, but even of those which you see produced and stuck up after his death.

By the dead are the banished recalled. By the dead are the privileges of Rome bestowed; not on private persons only, but upon nations and whole provinces. By the dead, numbers of corporations have their tribute remitted. We, therefore, upon a single, but an unquestionable evidence, confirm whatever has been found at his house; and shall we think of ratifying the acts of Cæsar, yet abolish his laws? Those laws which he

himself, in our sight, repeated, pronounced, enacted; laws which he valued himself upon passing; laws in which he thought the system of our government was comprehended; laws which concern our provinces and our trials? Are we, I say, to repeal such laws, yet ratify his acts? We may, however, at least complain of those laws which are only proposed: as to those which have passed, we are deprived even of the liberty to complain; because, without any previous promulgation, they were passed before they were drawn up. They ask, conscript fathers, why I, or any of your body, should be afraid of bad laws, while we have virtuous tribunes of the people? We have, say they, those who will interpose, those who, by oath, are ready to protect the constitution, therefore ought we to dismiss our fears. But why do you talk to me, says he, of interpositions, or religious rites? Why? because those upon which the very safety of our constitution depends we have neglected, as thinking them too stale, and too stupid. The forum shall be surrounded, all its passages shut up; soldiers shall be posted in numbers of places as guards. What then, whatever is carried on in that manner shall be law, and you shall see it engraved on brass. Supposing the following legal form of words to be inserted: "the consuls in form require the concurrence of the people;" for such was the right of requiring such concurrence, and "the people in form consented." What people? The people who are excluded. By what form? By that which is totally abolished by force of arms. This I speak, because it may possibly happen; because it is the duty of augurs to foretell what may be shunned: if the fact shall not happen, my speech shall be of itself confuted. I speak of the laws that are proposed, which it is now in your breast to dispose of. I point out faults; amend them. I speak of force and arms; remove them.

Dolabella, you ought not to be angry with me, while I speak in my country's cause; though I can scarce believe you will, for I know your good-nature. They tell me that your colleague thinks this his good fortune; though, to say no worse, to me he would appear more fortunate, was he to imitate the consulate of

his ancestors and his uncle. But they tell me that he is grown passionate. Well do I know how undesirable it is, that a man should at once be in arms and in a passion, especially as the sword now can act without control. But I will advance what I think law and equity too, which, I suppose, Antonius will not reject. If I should hereafter contemptuously inveigh against his life or morals, so as to render him my bitter enemy, I am prepared; but never shall I quit the manner which I have ever observed in public affairs, which was to deliver my sentiments with freedom. I beg, in the first place, that he may not be angry: then, if I cannot obtain that, let him show such resentment only as becomes one Roman citizen to another. Let him use arms, if they are absolutely necessary, as he says, for defending his person; but never let these arms injure those who speak what they think relates to the interest of their country. What can be more just than this request?

But if, as I am told by some of his friends, he falls into a passion at every speech, if it opposes his pleasure, even though it is no way abusive, let us bear with a friend's humour. But I am told by the same persons, you, you, who are a foe to Cæsar, are not to take the same liberties as P'iso, his father-in-law. At the same time they dropped a caution, which I shall take: nor, conscript fathers, is sickness a more sufficient excuse than death for not attending this house.

But, by the immortal gods, while I behold you, Dolabella, whom I love from my soul, I cannot restrain my tongue from mentioning the failures of you both; for I believe you to be honourable men, whose views are elevated; whose ambition, as some too credulously suspect, is not for money, which the greatest and the most eminent always despise, nor for a formidable interest, nor a power intolerable to Romans, but popularity and glory; but true glory consists in approbation of virtuous actions, and signal services, performed for your country: in which the voice of the public, as well as of every worthy man, concurs.

Dolabella, I would point out the fruits of virtuous actions, did I not perceive that you are distinguished by having tasted

them. Can you recollect, upon a review of your whole life, that any day gave you a greater pleasure than that on which the forum being expiated, the assembly of the wicked dispersed, the leaders of iniquity punished, the city delivered from her apprehensions of flames and massacres, you retired to your own house? What rank, what degree, what station, did not then mingle their zeal in the full measure of your applause and congratulation? I too received the thanks of the worthy: I received their compliments on your success, because they thought that by my counsels those actions were performed. Call to mind, Dolabella, I conjure you, that applause of the theatre, when all men, forgetting and forgiving all you had done to disoblige them, declared that your late services had cancelled all their resentment at your past conduct. Can you tamely and patiently stoop from such a height of glory?

As for you, Marcus Antonius, I speak to you, though absent: do you not prefer that single day, when the senate met in the temple of Tellus, to all those months, during which those who think differently from me, imagine you happy? How you then talked about unanimity! From what apprehensions did you deliver the veterans! From what anxiety the city! Laying aside resentment, forgetful of the auspices, yourself declaring them as augur, you on that day first admitted your colleague to be your colleague. Your little son, by yourself delivered into the Capitol, was the pledge of peace.

Was ever day more agreeable to the senate, more agreeable to the people of Rome? Or was ever any assembly more full and frequent than that? Then did we behold ourselves delivered by the bravest of men, because, as they intended, peace had followed liberty. The next, the following, the third, and some subsequent days, you never failed to present some endearing token of love to your country; but your chief was the abolition of the dictatorship. This was branded by you, by you, sir, as a mark of eternal infamy to the dead Cæsar; in the same manner, as for the treason of a single person of the name of Marcus Manlius, by a resolution of the Manlian race, no patrician was

afterwards permitted to assume that name. Thus, so strongly did you detest one dictator, as utterly to abolish the very office. And after all this patriot conduct, did you repent yourself for having acquired such fortune, such dignity, such renown, such glory? Whence then this sudden change? Sure I cannot suspect that you are under pecuniary influence. Let every man speak as he pleases, though there is no necessity to believe him; but never did I know you guilty of aught that was mean or dirty. True! domestics sometimes used to corrupt their masters; but your integrity I know, and I wish you could be as free of suspicion as you are of guilt.

I am more afraid of this—that, mistaking the true path to glory, you think it glorious that you alone are more powerful than all besides, and choose rather to be feared than beloved by your country. If you think thus, you absolutely mistake the road to glory. It is glorious to endear yourself as a citizen; to perform noble services to your country; to be the object of her praise, her veneration, and her love: but it is odious, detestable, weak, and momentary, to be the object of her fear and hatred. Even in the play, we find that the maxim, “let them hate while they fear,” was destructive to the very man who said so. I wish, Antonius, you had called to mind your grandfather, whom you have heard me so frequently mention. Dost thou think that he would have purchased immortality itself, at the expense of being the dreaded master of licentious power? This was his life, this his prosperity, in liberty to be equal, in dignity to be superior to others. Therefore, to pass over the prosperous part of your grandfather’s life, rather would I choose to be he in all the agony of his latter end, than to be Cinna, the tyrant who cruelly put him to death in all the insolence of his power. But why do I think to make an impression on you by words? If the fate of Cæsar cannot persuade you to wish rather to be loved than feared, nothing can my, or any man’s word, avail or effect. They who imagine that Cæsar was happy, are themselves miserable. No man is happy who holds his life on such terms, as that whoever kills him, shall meet not with impunity only, but immortal honour.

Relent, therefore, I entreat thee; cast thine eyes upon thy ancestors, and so rule the state, as that thy countrymen may bless the day which gave thee birth. Without this, no man can possess either happiness or renown. Many are the instances which you both have had of the public judgment; and it gives me great concern that they have been so ineffectual. What else could those shouts mean, which at the shows of the gladiators, broke from innumerable multitudes? What the crowding of the people? What the unbounded applause poured out on the statue of Pompey, and upon the two tribunes who opposed you? Do these but faintly express the incredibly unanimous wishes of the whole Roman people? How! did the applause, let me rather call it the evidence and the judgment of the Romans, at the games of Apollo, appear trifling to you? Happy they, who, when armed force prevented their being personally present, yet were present, and clung to the heart and the soul of every Roman! Unless you are to imagine that the applause and the palm were bestowed sixty years after his death upon Accius, and not upon Brutus; who, though absent indeed, in person, from his own shows, yet in that magnificent entertainment received the warmest wishes of the Roman people for his prosperity. Thus did they soothe their grief for his absence by shouts of uninterrupted applause.

I, indeed, am one of those who have ever despised the shouts bestowed on citizens by the populace, but when they are bestowed by the highest, the middling, and the lowest ranks; in short, by the whole body of the people; especially when they who used meanly to court popular favour, were obliged to hide their heads: this I cannot call applause, but a just approbation. But if these circumstances, which are, indeed, of the highest importance, appear to you but trifling, will you despise the proof which you had, how dear the life of A. Hirtius was to the people of Rome? It was sufficient to him that he obtained the approbation of the Roman people, which he still retains; that to his friends he is more agreeable than any man alive; that to his family he is dear, even to an excess of passion. But where, in our memory, was ever the concern of the worthy, and the

apprehensions of the world, so much interested as in him? Surely never. How then, immortal gods! are ye at a loss to interpret these intimations, or to form a judgment in what manner they, to whom the life of the deserving patriot is so dear, regard your lives?

I have now, conscript fathers, obtained the end I proposed by my return, because I have now spoke what, in all events, must be a proof of my constancy, and have been heard by you with favour and attention. This is an indulgence which, if I can, without bringing myself and you into danger, I will often use; otherwise I will, in the best manner I can, lie by; not so much to serve myself as my country. Enough almost have I lived, either for nature or glory. If any additions are made to either, not I, but you and the state, shall reap the advantage.

SECOND ORATION AGAINST
M. ANTONIUS.

To what fatality attending me, conscript fathers, shall I ascribe it, that for these twenty years no man has been the enemy of this state, who has not at the same time declared war against me also? It is unnecessary for me to descend to particulars, which you yourselves may remember. More severe was their punishment than I could have wished. I am surprised, Antonius, that you dread not their fate, as you tread in their paths. Yet the conduct of others gave me less surprise; for none of them chose to be my enemy; they were all attacked by me on account of the state. But you, unprovoked even by words, that you may appear more audacious than Catiline, more furious than Clodius, have, by your calumnies, even attacked me; and thought that your enmity to me would be your strongest recommendation to profligate citizens.

What can I think: that I am despised? I see nothing in my life, in my character, in my actions, or in my capacity, slender as it now appears, from which Antonius can detract. Did he imagine that his attempt to despise me would be most successful, because made in the senate? An assembly which, though it has bestowed on many eminent citizens the praise of successfully serving their country, yet me alone has it distinguished with the praise of saving it? Did he intend to dispute with me the prize of eloquence? This, indeed, is doing me a favour: for can I have a firmer, a fuller advantage, than both to plead for myself and against Antonius? But this, I have found out, is his end: he thought, that to his confederates,

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men like himself, he could never bring full evidence that he was the enemy of his country, unless he lived at variance with me. Before I answer other points, I shall take the liberty to touch, in a few words, upon our friendship, which he charges me with violating: a charge which I take to be of the blackest nature.

He complains that I appeared, I don't know when, against his interest. Ought I not to appear against a stranger in favour of my friend and relation? Ought I not to appear against the power of an interest gained not by the semblance of virtue, but the bloom of youth? Ought I not to appear against an injury, by him committed through the partiality of a scandalous interposer, and not the decision of the prætor? But this I suppose you have mentioned with this view, that you may recommend yourself to the lowest rank of the people; that you yourself are son-in-law to a man who had been a slave; and that your children are the grand-children of Quintus Fadius, who had been a slave also. But (you say), you had put yourself as a pupil under my care (for that was your expression); you had frequently resorted to my house. Surely, had you done that, your reputation had been more fair, and your chastity less polluted. But you neither did it, nor had you intended to do it, would Curio have permitted it.

You said, that in my favour you dropped your pretensions to the augurship. Amazing presumption! intolerable impudence! At the time when Cnæus Pompeius and Quintus Hortensius (for only two could do it) named me, at the request of the whole college, to be an augur, you was insolvent, and sensible that there was no safety for you but in the ruin of your country. But could you stand for the augurship at a time when Curio was not in Italy? Or even when you was made an augur, could you have carried one tribe but by the interest of Curio? And even his friends were convicted of violence for being over zealous in your favour.

But I am under an obligation to you. Yes! and that obligation I was always ready to acknowledge. I chose rather to own myself obliged even to you, than to appear to an unthinking person ungrateful. But what was this obligation?

That you did not murder me at Brundisium. That is saying, you did not kill a man preserved and restored to Italy by order of the conqueror, who, as yourself used to boast, had dignified you with a chief command among his robbers. But admitting you could have killed me: what, conscript fathers, is this but the boon of robbers, whose language it is, that they save the lives of those whom they do not murder? Had this been a merit, they whom you used to name the most eminent of mankind, and who killed the man who preserved them, never could have acquired so much glory. But what is the merit of refraining your hand from the commission of detestable guilt? In which case it was not near so agreeable to me that I was spared by you, as it was grievous that it was in your power to have murdered me with impunity.

But admit it to be a favour (since it is all the favour one can receive from a robber), yet in what respect can you term me ungrateful? Ought I not, for fear of appearing ungrateful to you, to bewail my expiring country? But, in what I then complained of (a complaint woful and wretched indeed, but indispensable with me in this station, to which, by the senate, and the people of Rome, I am raised), did I throw out aught that was abusive? Did I utter an expression but what was cool and friendly? Yet what self-denial was there in refraining from abuse, when I was complaining against Marcus Antonius, especially as you had dissipated the remains of the state? When, within your house, everything had been prostituted to an infamous venality? When you had confessed that laws relating to you, and which never had been promulged, were by your means passed? When, as augur, you had abolished the auspices, and as consul, had excluded the interposition of the tribunes? When you had been scandalously attended with guards? When, sunk in lust and liquor, you perpetrated the most shameful pollutions, within a house remarkable for its purity? But I, as if I had been contending with a Marcus Crassus, with whom I have had many and severe bickerings, and not with an infamous bully, while I bitterly bewailed the ruin of my country, spared the person of the man.

To-day, therefore, I will take care that he shall understand what favour I then showed him. This wretch, void of all humanity, and ignorant of the decency required, even in low life, read over the letters, which he pretended I wrote to him. For who that has the least knowledge of what passes among men of worth and figure, upon a grudge happening to fall out, ever publicly exposed, and read over, the letters that were sent him by his friend? To take away the intercourse of absent friends, what is it else, but to take from life the social pleasure of living? In letters, how many jokes are wont to be, which, if exposed, would seem very silly! How many serious things, yet by no means fit to be exposed!

Having said thus much of thy brutality, let me now proceed to thy amazing stupidity. What have you to object to me, my man of eloquence? For such you appear to Mustela Tamisius and Tiro Numisius, who at this instant are standing with their swords in their hands in the sight of the senate: therefore I too shall think you eloquent, if you will show me how you can prove them to be other than assassins. But then, what can you object, should I deny that ever I sent you such letters? Upon what evidence can you convict me? Upon that of my own hand-writing? In this you have a very profitable dexterity. But how can you do it? For they are wrote by my secretary. Now do I hate thy tutor, who, notwithstanding his great wages, which I shall soon make appear, could not infuse a grain of knowledge into thee.

For what can show less, I will not say of an orator, but of a rational creature, than to throw out a charge against an antagonist, which, if the latter shall but deny upon his bare word, the former shall be so puzzled, that he cannot proceed? But I do not deny it. Yet, by that very fact, I convict you, not only of being void of humanity, but of common sense. For is there a word in all these letters that is not full of kindness, good manners, and friendship? But all your pique is, that in these letters I did not show how much I disliked you; that I addressed you as my fellow-citizen and a man of worth, and not as a ruffian and a robber. Yet, with all the provocation I

have met with from you, and which I might justly resent, never did I expose those letters, in which you beg that I would give you leave to recall a certain person from banishment, and which you swear you never will do without my consent. My consent you obtained: for why should I oppose your audacity, which neither the authority of this order, nor your reputation with the Roman people, nor any laws could restrain? But, after all, what did you require of me, if the person for whom you interceded was recalled by Cæsar's law? But he designed, forsooth, a compliment to me! though, at the same time as the law was passed, no thanks were owing even to himself.

But, conscript fathers, I have a great deal to say, both for myself and against Antonius. While I plead for myself, I beg you to hear me with indulgence; and when I plead against him, I will take care that you shall hear me with attention. At the same time I entreat, that if you have had proofs of my moderation and decency in every step of my life, as well as in my pleadings, that you will not think that I forget what is owing to my own character, if, in my answer, I shall use him according to the provocation I have received. I will not treat him as consul, any more than he has treated me as consular. Yet his profligate life, his wretched administration, and the manner in which he was created, takes from him all right to be consul; but, that I am consular, is beyond all dispute.

To set his own consulate before you in the best light, he objects to mine. A consulate, that was titularly mine; but virtually, conscript fathers, it was yours. For what did I resolve, what did I execute, but by the advice, authority, and decision of this order? And shalt thou, not only eloquent, but wise, as thou art, presume to reproach me with my conduct, before those whose counsels and wisdom gave it a sanction? Did ever man impeach my consulate, besides thyself and Publius Clodius? Whose fate, as it has overtaken Curio, now awaits thee, because in thy house is the instrument that proved fatal to both.

My consulate does not please Marcus Antonius: yet it pleased Publius Servilius. Give me leave to name him, who is last

deceased, first in the list of the consular persons of that time. It pleased Quintus Catulus, whose authority in this state shall never die: it pleased the two Luculli, Marcus Crassus, Quintus Hortensius, Caius Curio, Marcus Lepidus, Calphurnius Piso, Marcus Glabrio, Lucius Volcatius, Caius Figulus, with Decius Silanus and Lucius Muræna, who were then consuls-elect. What pleased these consular men, pleased also Marcus Cato, who, as he left the world, that he might avoid much that he foresaw, never saw you a consul. But chiefly did my consulate please Cnæus Pompeius, who, when he first came from Syria, as soon as he saw me, with the most affectionate caresses, owned it to be owing to my friendship that he was again to see his native country. But why do I dwell upon single persons? So much did it please a full assembled senate, that there was not a man who did not return me thanks as to a father; who did not own that he owed his life, his children, his fortune, and the deliverance of his country, to me.

But, since our country is now bereaved of many of those great men whom I have named, let me proceed to the living; two of whom, of consular dignity, still are with us. Lucius Cotta, a man of the most consummate capacity and prudence, decreed a thanksgiving in very magnificent terms, for my conduct in that which you blame, with the assent of those very men, of consular or senatorial dignity, whom I have just mentioned; an honour that, since the building of this city, was never conferred on any man in the robes of peace, besides myself.

With what energy, with what resolution, with what majesty, did Lucius Cæsar, your maternal uncle, pronounce sentence upon the husband of his own sister, and your step-father! Though he ought to have been the pattern and director of all your counsels, of all your conduct in life, yet did you choose to resemble your step-father, rather than your uncle. Though not his kinsman, yet while I was consul, I followed his advice. Thou, though the son of his sister, didst thou ever consult with him upon aught that related to the public? Immortal gods! with whom does he consult? Why, with men whose birthdays make a noise.

To-day Antonius does not appear. Why? He celebrates a birthday in his gardens. Whose is it? I name no man: I suppose it is that of a buffoon, a parasite, or a pimp. Detestable stain to humanity! Insufferable impudence, infamy, and lust! Thou, whilst thou hast a leading senator, a distinguished citizen, so near a relation, never to consult with him about thy administration! but only with those who, having no property of their own, are draining thee of thine! So like a patriot is thy consulship conducted; so like a traitor was mine.

Art thou so thoroughly lost to the virtue of chastity, and the sense of shame, as that thou dardest to advance this, in that very temple where I consulted with the senate, once the glorious head of a subjected world; but where thou hast posted thy abandoned ruffians with swords in their hands? But thou hast presumed to say (for thy presumption is boundless), that the mount of the Capitol, when I was consul, was filled with armed slaves; meaning, I suppose, that I forced the senate into the scandalous decree which it then made. What a wretch art thou, whether thou art ignorant of those things, as well as of everything else that is good, or if thou art not ignorant, to talk with such insolence in this awful assembly! For was there a Roman knight, was there a youth of quality, was there a man of any rank, besides thyself, who reflected that he was a citizen, that was not on the mount of the Capitol, while the senate was assembled in this temple? Who amongst them did not enlist himself? Insomuch, that even clerks were wanting to write down, and the registers were too scanty to contain their names. For, when abandoned ruffians confess their intention of being the parricides of their country; when they are forced, by the discoveries of their accomplices, their own hands, and their almost speaking letters, to own that they had conspired to fire the city, to murder the citizens, to desolate Italy, and destroy the commonwealth; who must not then be roused to the defence of the public safety? Especially as the Roman people had then such a leader, that, were there now such another at their head, he would have made thee share the same doom which befell them.

He affirms that I did not deliver the body of his step-father to be buried. This accusation was never brought against me even by Clodius, whom, as my enmity towards him was well grounded, I am sorry to see you outdo in every manner of wickedness. But what could possess you to remind us that you was educated in the house of Lentulus? Was you apprehensive that we could not imagine you should be such a monster naturally, without the help of education?

But such was thy stupidity, that through all thy discourse, thou wast still confounding thyself: so that what you spoke was not incoherent only, but entirely foreign and contradictory to what you meant. Thus, through the whole of your speech, you did not seem to be disputing with me, but with yourself. You acknowledged that your step-father was involved in that unnatural treason, yet you complain that he suffered. Thus, what was properly my act, you have approved; what was that of the whole senate, you have condemned. For to me it was owing that the guilty were seized; to the senate, that they were punished. This master of eloquence, therefore, does not understand that, in his pleading, he praises his antagonist, and reproaches his judges.

Give me now leave to inquire by whose stupidity (for I will not call it presumption, because he affects to be thought presumptuous) the mount of the Capitol happened to be mentioned, while an armed force is posted even amidst our benches? Immortal gods! in this chapel of concord, in which, during my consulate, the most patriotic measures were resolved on (measures to which we owe our existence at this day), guards are posted with swords in their hands. Accuse the senate, accuse the equestrian order, at that time connected with the senate; accuse every rank, every citizen; but you must confess that at this instant this assembly is beset by barbarians. It is not audacity that puts such an impudent speech in thy mouth, but thy not perceiving the absolute inconsistency of the circumstances. Thou art completely stupid. For what can be more like an idiot than, while thou thyself hast levied an armed

force that is destructive to thy country, to charge another with rising in arms to protect her?

But, you once attempted to be witty. Good heaven! how clumsily you shape your jokes! And let me tell you, it was partly your own fault; for you have a lady, an actress, who might have instilled some wit into you:

“To the long robe let arms give way.”

How! and did they not then give way? The long robe afterwards, indeed, gave way to thy arms. Let us, therefore, inquire which conduct was preferable; that the power of traitors should yield to the liberties of the Romans, or that liberty should yield to thy arms. But, I will not answer thee any farther in stanzas: I will only say, in short, that thou art void of all knowledge, either in poetry, or any other part of literature; and that I never was wanting in my duty, either to the public, or to my friends: for, in my works of every kind, which I composed in my hours of leisure from more important concerns, the fruits of my labours and learning were of some advantage to the youth, and did some honour to the reputation of my country. But this is foreign to the subject at present; let me proceed to what is more important.

You have affirmed that it was by my advice that Publius Clodius was killed. What must the world have thought, had he been killed, when, in the sight of all Rome, you pursued him in the forum with a drawn sword, and had completed the work, but that he threw himself under the steps of a bookseller's stall, and, by barricading it, stopped your pursuit? But, what do I say? I own that I, indeed, countenanced you; but you yourself do not pretend that I advised you to what you then did. But Milo could not have so much as my countenance, for he finished his business before anybody suspected that he had undertaken it. Yet I must be his adviser! as if Milo was a man who could not have done a service to his country without an adviser! But, you say, I appeared joyful. What! was it proper that, amidst such universal joy, I should be the only dejected person in all Rome?

Yet, though it was not quite so legal to do it, a trial was appointed upon the case of Clodius; for to what purpose was a new law enacted for trying a man who had killed another, when a trial in such a case was regulated by the laws in being? However, the trial went on. What then! When that affair was depending, nobody charged me; that was a task reserved for you a great many years after it was over. But as to what you have dared to advance, with a multitude of words, as if by my means Pompey and Cæsar were divided, and therefore, it was owing to me that the civil war broke out; you are not, indeed, absolutely in the wrong, but mistaken in a very material point, which is, that of time.

While Bibulus, that excellent patriot, was consul, I omitted nothing; but endeavoured all I could to draw Pompey off from his connection with Cæsar. But in this, Cæsar was more successful than I; for he separated Pompey from my friendship. But after Pompey had entirely thrown himself into Cæsar's hands, why should I have endeavoured to draw him off? It would have been foolish to have hoped it: it would have been presumptuous to have attempted it.

But, say you, two junctures happened, in which I advised Pompey to oppose Cæsar. You have my leave to blame both these measures, if you can. The first was, that the five years' command of Cæsar should not be prorogued; the other, that Pompey should not suffer any regard to be had to Cæsar's absence. In either of which measures had I succeeded, we had never fallen into these calamities. Yet, at the same time, after Pompey had transferred his own power, and that of all the Roman Empire, to Cæsar; when he began too late to be sensible of what I had early foreseen; and when I perceived that an unnatural war was breaking out against my country, I laboured with unwearied pains to promote peace, harmony, and reconciliation. The exclamation I then used is known to many. "I wish, O Pompey, that you had never contracted, or never had broken, your friendship with Cæsar. The one had been consistent with your patriotism, the other with your *prudence*." Such, Marcus Antonius, were my counsels, both with regard

to Pompey and the state. Had they been pursued, still had the constitution stood; and you had fallen by your crimes, poverty, and infamy.

But these are instances long past; I will come to a later, namely, that Cæsar was killed by my advice. I am here, conscript fathers, apprehensive of a very scandalous charge, since it may appear as if I had set up this shuffler to load me not only with my own merits but with those of others: for who ever heard of my name among those who were concerned in that glorious action? Yet, whose name amongst those who were, was concealed? Concealed, did I say? Whose name was not immediately published? I should be more ready to charge some with falsely boasting that they were in the secret, than with concealing it if they were.

Besides, how improbable it is, that among so many, partly men of no figure, partly young men, who concealed nobody, my name should have been kept a secret? For if those deliverers of their country had wanted prompters to that action, needed I to have prompted the two Bruti, who had each the statue of Lucius Brutus every day in his eye, and one of them that of Ahala besides? Would men descended of such progenitors have asked advice of strangers, rather than of their own friends; abroad, rather than at home? How? Caius Cassius, born of a family impatient not only of sovereignty, but of superiority in any other person, needed (very probable indeed!) that I should prompt him, who would have done the thing without his illustrious partners in Cilicia, at the mouth of the river Cydnus, had they not landed upon a bank opposite to where he intended they should.

Was it my persuasion (was it not rather the ruin of his illustrious father, the death of his uncle, the bereaving him of his honours) that prompted Cnæus Domitius to recover liberty? Did I persuade C. Trebonius? I would not have ventured even to have reasoned with him on such a subject; and therefore his country owes him greater thanks, in that he preferred the liberty of all Rome to the friendship of one man, and chose to be the expeller, rather than the partner of

usurpation. Was L. Tillius Cimber determined by my advice? Though I was rather surprised that he should perform, than of opinion that he would undertake, such an action; and for this reason did I admire him, that, regardless of favours, he regarded the commonwealth.

Why should I mention the two Servilii? Shall I call them Cascas or Ahalas? Canst thou imagine that they also were fired by my persuasion, rather than by love to their country? It would be tedious to recount the rest. That their number was so great, was to their country's honour and their own glory.

But mark in what manner this penetrating person has convicted me: When Cæsar was killed, says he, Marcus Brutus, holding aloft his bloody dagger, called out upon Cicero by name, and congratulated him on the recovery of freedom. But why did he single out me? Because I was accessory? Beware lest the reason of his calling upon me should have been, that, as he had performed an action which might compare with what I had done, he called me above all others to witness that he now appeared as a rival to me in glory. But dost thou not understand, most consummate driveller, that if what thou chargest me with (the entering into a design to kill Cæsar) be a crime, that it is equally criminal to rejoice at his death? For where is the difference of the adviser and the approver of an action? Or what matters it whether I wished to see, or was glad to find it done? Is there a man, except thyself, and they who rejoice at such usurpation, who was either against its being effected, or condemned it when it was? The crime, therefore, was universal; for all good men, as much as in their power, were accessory to the death of Cæsar. In some the resolution, in some the spirit, to others the opportunity was wanting; but, the will in none.

But mark the folly of the man; rather let me say the brute, for these were his words: "Marcus Brutus, whom I name to do him honour, holding up the bloody dagger, called aloud upon Cicero: therefore may we conclude that he was accessory." You therefore call me a villain, because you suspect that I

suspected something: yet this man, who reared the reeking dagger, is named by you to do him honour! Be it so. Let thy folly appear in thy own words. How much greater is that of thy sentiments and actions? Decide, my worthy consul, the merits of the cause of the Bruti, Caius Cassius, Cnæus Domitius, Caius Trebonius, and the rest. Sleep out thy liquor, let me advise thee, and dispel the fumes of thy wine. Must torches be brought to arouse thee, slumbering over so weighty a cause? Canst thou never understand, that thou must determine whether they who committed that action were murderers or the assertors of liberty?

Yet give attention, though ever so little; snatch one lucid interval to think as a sober man. For I, who confess myself to be their friend, am charged by you as being their accomplice: I deny that there is any medium; I confess that if they were not the deliverers of the Roman people, and the preservers of this constitution, they were worse than assassins, worse than murderers, nay, worse than parricides; inasmuch as a man's killing his natural father is not a crime of so deep a dye as that of killing the father of his country. Thou, wise and deliberate as thou art, how sayest thou? If they are parricides, why were they constantly made honourable mention of by thee, both in this assembly and before the people of Rome? Why had Brutus, upon thy motion, a dispensation from the laws, of being above ten days absent from the city? Why, with the amazing applauses of Brutus, were the plays of Apollo performed? Why were provinces allotted to Cassius and to Brutus? Why were quæstors added? Why were the number of their deputies augmented? These were thy own acts, and therefore they are not murderers. It follows, that in your own judgment, they are the saviours of the state, since no middle denomination can be found.

What is the matter? Do I disconcert you? Perhaps you do not perfectly understand what is so clearly laid down. The whole of what I have been saying, is this: Since by thee they have been acquitted of guilt, by thee they have been adjudged worthy of the highest rewards. Therefore, now I will change

the strain of my discourse: I will write to them, that in case they should be asked, whether what you object to me is truth, they should not disown it. For I am afraid lest it should be thought dishonourable in them to conceal it from me, or scandalous in me to decline it when invited. For, O holy Jove! was there ever a greater action performed, not only in this city, but in this world? Anything more glorious, anything that can more endear the actors to all the ages of posterity? Dost thou shut me up with heroes in the Trojan horse of this great design? I will not disown it.

I even return you thanks, whatever your intentions are; for so glorious is the action, that I slight the malice which you endeavour to raise against me, when I reflect on the honour that attends it. For can there be a more glorious fate than that of the men whom you declare you have expelled and banished? Is there a place so desert, so barbarous, that when they shall approach it, will not court and entertain them? Are there men in the world so savage, as not to think their beholding them the greatest blessing of their lives? Who of posterity shall be found so unmindful, what records so ungrateful, as not to crown their memory with immortal renown? Yet you enrol me in this glorious number.

But there is one thing which I am afraid of; namely, that you cannot prove your assertion: for, had I been in the conspiracy, I should have abolished out of the state, not the tyrant only, but tyranny itself; and had that style, as it is given out, been mine, believe me, I should not only have despatched one act, but the whole play. But, if it is a crime to have wished for the death of Cæsar, how can you, Antonius, answer for it, when it is notorious that at Narbonne you entered into that plot with Caius Trebonius; and, because you had been once in that design, we saw you when Cæsar was killing, called aside by the same Trebonius? Indeed (you see how unlike a foe I deal), in that you once could entertain a good design, you have my approbation; in that you did not betray it, my thanks; and in that you did not execute it, my pardon. The execution required a man.

But, should any one bring you to a trial, and apply to you the saying of Cassius, what purpose could it serve? Beware, I entreat you, that you be not puzzled. Though, indeed, as you yourself owned, it served the purposes of every man who was resolved not to be a slave: but yours, above all, who are so far from being a slave, that you are a king. Who paid all your immense debts at the temple of Ops? Who, by means of the notes I have mentioned, squandered such a prodigious sum? Thou, to whom such a treasure was carried from Cæsar's house. Thou, whose house is the most lucrative shop for counterfeit notes and fictitious writings; the infamous market-place for lands, towns, privileges, and revenues.

What then, but the death of Cæsar, could have relieved thy necessities, and paid thy debts? You seem to be disconcerted about something. Are you apprehensive, lest this charge may be thought to extend itself to you? I will rid you of your apprehensions. Nobody will believe it; it is not for you to do a service to your country. The heroes in that gallant action were the most illustrious men in this republic. I say only, that you was pleased with it; I do not charge you with committing it. Thus have I answered the most heinous part of my accusation; let me now proceed to the other.

You objected my behaviour in Pompey's camp to me, and what was done at that juncture; a juncture in which, had my advice and authority prevailed, thou must at this time have been oppressed with want, and we in the enjoyment of freedom; nor would the state have lost so many generals and so many armies. For, I own, that when I foresaw what actually happened, I was as much dejected as other good patriots, had they foreseen the same, would have been. It afflicted me, much did it afflict me, conscript fathers, that this constitution, once preserved by your conduct and mine, was in a short time to be ruined. Not that I was so uninstructed, so inexperienced in the world, as that my spirit should be broken through a passion for a life, the continuance of which only consumed me with anguish, while the loss of it would have delivered me from all troubles; but I was willing to preserve alive those excellent

men, the lights of the republic, of so many of consular, so many of prætorian dignity, so many honourable senators, besides the whole flower of our nobility and youth, and an army of worthy citizens; had these lived, even though it had been upon unequal terms of peace (for any peace to me seemed preferable to a civil war among my countrymen), this day we had been in the possession of the government.

Had my advice prevailed, and had not they, whose preservation I had chiefly in my eye, opposed it (flushed with the hopes of victory), thou wouldst not have remained in this order, or even in this city. But my language, say you, made Pompey look upon me very coldly. Did he ever love any man more than he loved me? Was there a man with whom he was more familiar? Whom he oftener consulted? This indeed was very extraordinary, that two people differing upon the most important points in politics, should still continue the same intercourse of friendship. But his views and sentiments were known to me, and mine to him. I had an eye first to the safety, next to the dignity, of my countrymen: his chief view was providing for their immediate dignity; and as both of us had a fixed point of view which we pursued, therefore our disagreement was very moderate. But the sentiments of that incomparable, that almost divine person, with regard to me, are known to those who accompanied him to Paphos, in his flight from Pharsalia: never did he mention me but with honour, never but with marks of the most friendly regret, and confessing that I foresaw more, but that he had hoped for better events. And dare you presume to insult me by the mention of that man, while you own that I was the friend of his person, and you the purchaser of his estate?

But I pass over that war, in which you were but too successful. I will not take notice even of the jests made in the camp, which you lay to my charge. The camp was, indeed, in an anxious situation; but men, even while their situation is perplexed, if they are men, sometimes unbend their spirits. But, since he at once blames me, both for my dejection and my mirth, it is a strong presumption that I went into no extreme in either. You deny that I have received any legacies. I wish

that charge of yours was true; then must many more of my friends and relations have been now alive. But how could that enter your mind? For I have possessed more than £156,000 by legacies. Though in that respect, I own, you have been far more lucky than I. None but friends mentioned me in their wills, that some advantage might lessen my grief for their loss. Lucius Rubrius Casinas, a man whom you never saw, made you his heir. See now what affection he had for you, when, without knowing even the colour of your hair, he passed by his own brother's son in your favour. He does not so much as mention Quintus Fufius, a Roman knight of the highest worth, in his will, in habits of the greatest friendship with himself, and whom he had often publicly promised should be his heir; and he named as his heir, you, whom he never saw; you, with whom, at least, he never was in company. If it is not giving you too much trouble, I would ask you, what kind of man in his person Lucius Tursellius was? Was he tall? Of what corporation, and of what ward? I cannot tell, say you; but I can tell what estates he had. So he disinherited his brother, and made you his heir. He likewise, to the prejudice of the true heirs, has laid his hands upon the property of many other people who were absolute strangers to him. But my greatest surprise is, that you should have the presumption to mention heirships, when you yourself was not heir even to your own father.

Was it to be expert in retailing these stories, that you held forth for so many days at another person's country seat? It is true, indeed, your intimates give out, that you harangue, not to improve your understanding, but to evaporate your wine; and, to complete the farce, you appointed a master, one who, in the eyes of you and your companions, is a rhetorician, with liberty to speak against you as much as he pleased. A very pleasant fellow truly! But it is a very easy matter to find enough to say, when you and your friends are the subject. Observe, however, the difference betwixt yourself and your grandfather. He spoke deliberately, coolly, and to the purpose: you speak hurryingly, and in a slight manner, without its being to the purpose.

But what wages have you paid to your master in rhetoric? Hear, hear, conscript fathers, and observe the wounds of your country. You, Antonius, have allotted two thousand acres of the Leontine lands, tax-free, to Sextus Clodius, professor of rhetoric; you gave him those extravagant wages, yet remain a dunce. Shameless man! did you do this by virtue of Cæsar's journals? But I will speak in another place of the Leontine and Campanian lands, of which he has robbed the public, that he might pollute them with his depraved tenantry. But now having said enough in answer to his charge against me, give me leave to touch a little upon this reprover and corrector himself: for I will not exhaust my subject, that if we should happen oftener to mount the stage, as most probably will be the case, I may still fight with new weapons; an advantage for which I am obliged to his inexhaustible fund of guilt and wickedness. Would you wish that I should enter upon an investigation of your conduct from your early years? With all my heart: let us begin at your first setting out.

Do you remember that before you put on the manly gown, you was bankrupt? That, say you, is not my fault, but my father's. I grant it; for the excuse is full of filial duty. But you manifested your assurance by sitting in one of the fourteen rows in the theatre, when, by the Roscian law, there was a particular place set apart for bankrupts, even though they had become such, not through their own mismanagement, but ill success. You appeared in the gown of a man; but you quickly changed it for the dress of a woman. At first you was common; the wages of your prostitution were fixed very high; but Curio soon interposed; he took you from the profession of a prostitute; and, as if he had clothed you as his bride, he settled you in certain wedlock!

No boy bought to satiate unnatural lust was ever so much in his master's power as you in Curio's. How often did his father thrust you out of his house? How often did he place sentinels to prevent your crossing his threshold? Yet you, favoured by night, prompted by lust, and compelled by hire, was let down through the roof, till that family could no longer bear with such

disorders. Are you not conscious that I mention no more than I well know? Reflect upon the time when Curio, the father, lay disconsolate on his bed; when the son, prostrate in tears at my feet, recommended you to my care; begged that I would protect you against his father, should he insist upon the forty-eight thousand pounds for which he was engaged for you: at the same time, burning with passion, he declared, that since he could not bear the pangs of a separation from you, he would go into banishment.

At that juncture I composed, or rather healed, these afflicting disorders of that flourishing family: I persuaded the father to pay his son's debts; to clear, out of his private estate, a youth who gave the greatest hopes of being endowed with every accomplishment of wit and sense; and to use his paternal power and authority to debar him not only from being intimate, but from keeping company with you. Had you called to mind what I did at that time, had you not trusted to these swords, you would not have provoked me, by your railing, to speak of these things.

I will dismiss your prostitution and scandalous intrigues; there being some circumstances which I cannot with decency mention, the knowledge of which gave you the greater liberty, since you know the charge which lies against you here, cannot be urged by any antagonist who has a sense of decency. The remaining course of his life I shall very quickly run over; for my mind hurries me on to speak of his actions during the civil wars, and amidst the most afflicting calamities of his country, and also of what he is now daily perpetrating. To the relation of these, though you are much better acquainted with them than I am, yet continue, I beseech you, your attention; for, in such actions, the passions ought to be fired, not only by knowing, but by recollecting them. I shall, however, enter upon the middle stage of his life, lest it should be too late before I reach the last.

During his tribuneship, this man, who boasts of his kindness to me, was intimate with Clodius, he was the firebrand of all his incendiary proceedings. As to what he then contrived at

his house, I shall say nothing; he himself best understands my meaning. From thence he went to Alexandria, in defiance of the authority of the senate, of the government, and of religious rites. But he had Gabinius for his leader, with whom he could not fail of doing everything in the best manner. When, or how did he return thence? He went from Egypt to the farther Gaul, before he came to his own house. But to what house? Everybody at that time had a habitation of his own, but he had none. A house, did I say? Was there a place on earth where you could set your foot, except Misenum? Which, like another Sisapo, you and your companions possessed.

You left Gaul to stand for the quæstorship. You even visited me before your mother. Cæsar had then written to me, that I would permit you to make me satisfaction; wherefore I would not suffer you so much as to mention any apology. I was afterwards your patron, and countenanced you when you stood for the quæstorship. At that time you attempted, with the approbation, indeed, of all Rome, to kill Publius Clodius, in the forum; and though this attempt was the effect of what you yourself had resolved upon, and not of what I suggested, yet you professed that you never could make me amends for the injuries you had done me, unless you killed Clodius. I am therefore surprised that you should say Milo despatched him through my instigation; though I never gave you the least encouragement, when you voluntarily made the very same offer. But even if your resolution had still continued, I should have chosen that that action should be looked upon as honourable for you, rather than advantageous to me. You was made quæstor; and instantly, without any decree of the senate, without any allotment, without any law, you hurried over to Cæsar; for you thought that to be the only course upon the earth by which want, debt, villainy, and desperate circumstances could find shelter. There, when, by his profusion, and your own rapine, you had glutted yourself (if it may be said you were glutted with what you were immediately to disgorge), you hastened, needy as you were, to possess the tribuneship, that

you might, as far as you could, imitate the conduct of your husband in that office.

Attend now, I beseech you, not to what relates to the intemperance and impurity of his domestic shame, but to his impious and unnatural conduct against us and our fortunes; or, which is the same thing, against the whole state; and you will find that from his wickedness all our calamities have proceeded; for when, under the consulate of Lucius Lentulus and Caius Marcellus, you showed a willingness to support your weakened and almost falling country, on the first of January, and desired to favour Caius Cæsar himself, could he have been brought to a proper way of thinking; then did Antonius use the authority of the venal, the prostitute tribuneship, to disconcert your designs, and subjected his own neck to that axe, under which many, for less crimes, had fallen. But, Marcus Antonius, against you, the senate, while it was flourishing, and so many of its lights unextinguished, decreed that punishment which, by the usage of our ancestors, was commonly decreed against an enemy of his country. And have you presumed to speak against me before the senate; though by this order I have been adjudged to be the preserver, and you the enemy, of the state? The mention of this your guilt has been, indeed, omitted; but not the remembrance of it abolished; nor will, while mankind, while the glory of the Roman people shall remain; that glory, which, if not extinguished by you, must be eternal; so must the remembrance of that pestilential opposition of yours be also. Was there partiality, was there rashness, in any step taken by the senate, when you, a single youth, restrained that whole order from decreeing what related to the public safety? This was not done once, but often; nor would you admit of any representations, or any discussion of the authority of the senate. Yet what was their intention, but to prevent you from utterly abolishing the government; when they saw that neither the requests of the leading citizens, the advice of your seniors, nor the debates in a numerous senate, could shake your venal, your determined resolution? Then, after many previous trials, that plan was necessarily executed against you, which had seldom

been done before; nor ever against any, without their being crushed by its weight. Then did the senate put arms into the hands of the consuls, and the other commanders and authorities, which you could not have escaped, had you not enlisted yourself in Cæsar's army.

You, Marcus Antonius, you, I say, was the chief person who furnished Cæsar, whose desire was to throw everything into confusion, with a pretext for making war upon his country. For what other pretext had he? What motive did he allege for his outrageous conduct and actions, except the neglect of the interposition, the setting aside the tribunitial power, and the limitations imposed upon Antonius by the senate? I shall not say how false, how trivial all this is; especially as it is impossible for any man ever to have a justifiable reason for taking up arms against his country. But to say nothing of Cæsar, yet you must allow that the cause of this most detestable war was grounded in your person. How wretched are you, if you feel, still more wretched if you do not comprehend, that this is committed to history; that it stands upon record; and that none of all posterity, in after-ages, shall ever be ignorant or unmindful of this fact! That the consuls were driven from Italy, and with them Pompey, the light and ornament of the Roman empire, and all the consulars whose state of health would permit them to join in that disgraceful rout and flight! That they who either were, or had been, prætors, the tribunes of the people, a great part of the senate, the whole body of the youth, in a word, that our government was exterminated and driven from its abodes!

Thus, as trees and vegetables shoot from the seed, so are you the seed of this most calamitous war. Ye mourn the destruction of three Roman armies: they were slaughtered by Antonius. Ye bewail the loss of our most illustrious citizens; it was Antonius, likewise, who took them away. The authority of this order is abolished: it was effected by Antonius. All the scene of calamity that afterwards appeared before our eyes (and what species of calamity have we not seen?), if we reason rightly on the matter, was owing to Antonius alone. As Helen to the

Trojans, so was Antonius the cause of war, calamity, and destruction to this republic. The rest of his conduct, as tribune, was of a piece with its commencement. He effected all that the precaution of the senate, while the constitution was unviolated, had laboured to prevent. But even his villainy was most villainously exercised, as you yourselves shall judge. He restored many who had been condemned, but passed by his uncle. If he was severe, why did not his severity extend to all? If he was pitiful, why did not his pity reach his own relations? But the rest I omit. He has restored Licinius Denticulus, who had been condemned as a gamester; as if, indeed, it was unlawful for him to play with one under condemnation; but this he did, that he might take the advantage of the law's discharging those debts which he had lost in play.

What reason did you allege to the people of Rome for his being restored? Why, that an information had been granted against him in his absence; that sentence was passed before the cause was opened; that there was no express statute against playing at dice; that he was overpowered by force and arms: in short, as was said of your uncle, that the trial was under a pecuniary influence. None of these, however, was the cause. But, say you, he was a good man, and a patriot. That's nothing to the purpose. When, then, he restored the most infamous of mankind, a man who did not scruple to play at dice in the forum, a man who was condemned upon the statute prohibiting that game, does he not himself avow his passion for play?

But in the same tribuneship, when Cæsar, after his marching into Spain, had delivered up Italy to be trampled upon by this Antonius, what a progress did he make through the country! what a review of our municipal cities! I know that I am now treating of facts that are most public, and in the mouth of every one; and what I am either now speaking, or shall speak, is better known to those who were then in Italy than to myself, who was absent; yet I will point at the facts particularly; though all I can say will fall short of what you yourselves know. Was ever such lewd, polluted, scandalous conduct heard of among men?

A tribune of the people was carried in a car; laurelled lictors led the procession; and an actress was borne about in an open sedan. As the citizens and men of credit in the towns were obliged to meet her on the road, they did not accost her by her own name, by which she was known at the theatre; they called her Volumnia. A waggon followed, full of bawds and lewd attendants; while his degraded mother followed the strumpet of her polluted son, as if she had been his bride. Wretched woman, made so by the fruitfulness of thy womb! With the traces of this lewdness did he mark our corporations, our præfectures, our colonies, and, in short, all Italy.

Doubtful and dangerous it is, conscript fathers, to blame his other actions. He is a man of the sword, and his sword has been glutted with the blood of his countrymen, who were not like himself. Happy he was, if any happiness can ever associate with guilt. But, as I must beware of reproaching his veterans, lest I should provoke their indignation against me, I will say nothing of the nature of the war. Though, after all, the case of the soldiers is quite different from yours: they followed, you sought a leader: you returned victorious from Thessaly to Brundisium with the legions. There, I confess, I was in your power, and you might have cut me off, but did it not. And truly there was not a man who attended you but who thought you ought to spare me; for so strong is the love of our country, that even to your legions I appeared a sacred person, because they remembered that by me their country was saved. But, admitting you might be said to give what you did not take away, and that I now possess life, because you did not rob me of it, is it possible for me to look upon my preservation as a favour? For such has been my provocation from you since, that I am obliged to speak what you now hear.

You came to Brundisium on the very bosom, as it were, in the arms of your little actress. Is this false? How wretched a state is it, to be unable to deny what it is shameful to confess! If you could brave it out before our municipal cities, could you be insensible before your veteran army? For was there a soldier who did not see her at Brundisium? Who

did not know that she came so many days' journey to wish you joy? Was there a man who did not grieve that he should be so late in discovering what a worthless leader he served?

You made a second tour through Italy, attended by the same actress. How inhumanly were your soldiers quartered upon the towns! How scandalous was your plunder of the gold and silver, but especially the wine in the city! And, besides all this, Caesar knowing nothing of the matter, as he was at Alexandria, Antonius, by the favour of his friends, was appointed general of the horse. Then he thought he had an uncontrolled right to live with Hippias, and to deliver the tributary horses to Sergius the player. At that time he chose the house of Marcus Piso, and not the house which he now so unworthily fills. Why should I disclose his decrees, his rapaciousness, the legacies which he unjustly bestowed, and those which he violently exacted? He was pinched by want; whither should he turn himself? He had not yet come to the possession of the large estate which was left him by Lucius Rubrius, and that left him by Lucius Tursellius; he had not yet started up the heir of Pompey, and of a great many others who were absent. As yet he was obliged to act in the manner of robbers, who live from hand to mouth on what they plunder.

But let me no longer dwell on his actions as of a common robber; let me rather pass on to the more scandalous circumstances of his levity. At the marriage of Hippias, what a load of wine did you pour down! How distend those sides! How thoroughly was that valiant prize-fighting person steeped in liquor! so that you was under a necessity of disgorging it next day in sight of the people of Rome! A circumstance detestable to the sight, and odious to hear. Had you only done this in the time of supper, amidst your extravagant debauch of drinking, would it not have been scandalous? But in a full assembly of the Roman people, vested with a public character, the general of the horse, in whom the slightest eructation would have been indecorous, to vomit, to fill his own bosom, and all the tribunal, with indigested morsels, smelling

rank of wine ! But he acknowledges this to be one of his blots; let us then proceed to his beauties.

Cæsar went to Alexandria, happy, indeed, in his own eyes; but in mine, if rebellion against his country can make a man unhappy, he was the most wretched of men. At a public auction, before the temple of JUPITER STATOR, the goods of Pompey (my grief is lively, though my tears are spent), the goods, I say, of the great Pompey, were put up by the doleful voice of a public crier. In this single instance did this city venture to groan, forgetful of her slavery; and though every man's soul was enthralled, being overawed by fear, yet the groans of the people of Rome now found a free passage: while all were wondering who would be found so impious, so frantic, so much an enemy to the gods and men, as to bid at this detestable sale ! None was found besides Antonius. This was the more remarkable, as there stood around the auctioneer men who boggled at nothing else. There was found but one man then, who durst venture to do that which the most presumptuous men alive had avoided and dreaded.

Was you then seized with such folly, or rather frenzy, as to be ignorant, that while you, descended of such a family, stood as a bidder in that place, a bidder for the goods of Pompey, that you was the object of the curses and detestation of the Roman people, and of the present and future resentment both of gods and men ? With what insolence did this voracious miscreant seize upon the goods of that patriot, whose courage had rendered the Romans terrible, and whose justice endeared them to foreign nations !

Having thus suddenly immersed himself in the riches of this great man, yet like the character in the play, there was but a small space betwixt his want and his wealth. But, as a poet, whose name I have forgot, expresses it, What comes easily, as slightly goes, it is incredible, it is prodigious, what wealth he squandered in a few (I will not say months, but) days. The quantity of wine was immense; large services of massy plate, costly apparel, and rich furniture, superbly fitted up for various places; not such as bespoke luxury, indeed, but abundance; yet

in a few days all was dissipated. Was Charybdis herself half so voracious? Why do I talk of Charybdis! Charybdis was a single monster. By heavens! it seemed impossible for the ocean itself so quickly to have swallowed up so much wealth, so widely diffused, and situated in such various places. Nothing remained shut or sealed up; nothing was even marked; whole cellars of wine were lavished upon the greatest miscreants. Many things became the plunder of actors and actresses; his house was crowded with gamesters and drunkards. The debauch was kept whole days in different places. Many, likewise, were his debts, incurred at play; for even Antonius was not always lucky. There you might have seen the purple quilts of Pompey bedecking the beds of slaves. Cease then to wonder that all this wealth was so suddenly dissipated; for such profusion would have quickly consumed, not only the fortune of one man, however great, but of cities and kingdoms.

Even the houses and gardens were swallowed up. Shameless effrontery! For you to presume to enter that house, to cross that most awful threshold, to present that ominous countenance before the household gods of that family! Could you abide so long in a house, which none could behold, which no one could pass for a long time after, without shedding tears? A house in which, however callous you may be, it was impossible that aught should give you pleasure.

Did you think you was entering into your own house, when you beheld the naval spoils which adorned its porch? By no means; for, unfeeling and regardless as you are, yet still you know yourself, your abilities, and your friends. Nor do I, indeed, believe that it was possible for you not to be distracted both asleep and awake. Let you be ever so violent and frantic, when the form of that matchless hero presented itself to your imagination, you must, if asleep, have awakened in horror; and often, if awake, have been seized with frenzy.

For my own part, I compassionate its very walls and roofs: for what did they ever behold, but what was modest, what discovered the greatest purity of conduct, the strictest sanctity of manners? For Pompey, conscript fathers, you well know,

was a man equally admirable in his private, as he was eminent in his public capacity. Nor was his conduct abroad more glorious than his economy at home was amiable. Yet, under his roofs, his bed-chambers are converted into brothels, and his dining-rooms into drinking-booths. Antonius now denies all this. Cease, cease your inquiries. He is now commenced an economist; he has divorced his actress with all the formality of law; he has taken from her his keys, and turned her out of doors. Would you wish for a more reputable, sober citizen, through the whole course of whose life the most commendable action was his divorcing an actress?

How often does he, in his swaggering fits, talk of his being both consul and Antonius; or, in other words, consul and a very scandalous fellow; both consul and an enormous villain! for what idea else can be connected with the word Antonius? If the name could have conferred any dignity, no doubt your grandfather would have sometimes styled himself both consul and Antonius; yet he did not. My colleague, your uncle, might have done the same, unless you are the only person of your name. But I will pass over these faults, which are not peculiar to you in that character in which you have harassed your country; let me return to the scene in which you was distinguished; I mean the civil war; a war, begun, contrived, and undertaken by your means.

You was unequal to this war, as well on account of your cowardice as your lust. You had tasted, or rather drank, the blood of your countrymen. In the battle of Pharsalia you led the van. You had murdered Lucius Domitius, a man of the greatest dignity and eminence; after cruelly harassing, you had butchered many who had escaped from the battle, whom Cæsar, as he did to some others, would perhaps have pardoned. After so many and such glorious actions, why did you not follow Cæsar into Africa; especially as so much of the war was yet unfinished? What passed then? In what degree of favour was you with Cæsar upon his return from Africa? In what rank? As general, you had been his quæstor; as dictator, his general of the horse. You had been the leader of the war, the

adviser of his cruelties, the partner in the plunder; and, as you yourself owned, the heir of his will. But you was asked for the money which you owed for Pompey's house, the gardens, and the goods.

At first you answered with downright fierceness; and, that I may not seem always to make you in the wrong, I own that what you said was almost just. "Cæsar ask me for money! Why more than I ask him? Has he conquered without me? That he could not do. It was I who furnished him with the pretext for the civil war, who passed ruinous laws, who took up arms against the consuls and generals of the Roman people, against the gods, the religion, and the property of Rome, and against my country herself." Did he conquer for himself alone? No, if the guilt was in common, why should not the booty be common too? You demanded but what was reasonable; but what did that signify, while he had more power?

Therefore, turning a deaf ear to all you could say, he turned his soldiers loose, both upon yourself and your spoil; and when that famous inventory was suddenly produced by you, what diversion it afforded! that the rent-roll should be so large, the estates so various and so many, and yet there should not be a single article, except a part of Misenum, which the seller had a right to call his own. But grievous was the appearance which that sale made; a few of Pompey's clothes, and those all sullied; some of his silver plate all battered together; some of his slaves all in rags and nastiness; so that we were shocked that anything of his remained for us to see.

The heirs of Lucius Rubrius, however, by a decree from Cæsar, put a stop to this sale. The knave was now trapped; he did not know to what side he should turn. At that very juncture, therefore, he sent an assassin to Cæsar's house; who was said to have been caught with a dagger in his hand, of which Cæsar complained with bitter invectives against you in the senate. Cæsar went to Spain, having, on account of your poverty, indulged you with a few days for making up your payments. You did not even then follow him. What! so good a gladiator, yet so early received your discharge.

Can any one then be afraid of a man who is so very backward in what immediately concerned himself, that is, in carving his own fortune? Yet at last he did go to Spain; but he says that it was with danger he went. But how did Dolabella trace out his march? Antonius, you either ought never to have embraced that party, or, if you did embrace it, to have defended it to the last. Thrice did Cæsar fight with his countrymen, in Thessaly, Africa, and Spain.

Dolabella was present in all these battles; and in Spain he received a wound. In my own judgment, indeed, I condemn him; but though I condemn the principles on which he acted, his constancy is commendable. But who are you? The children of Cnæus Pompeius first demanded to be restored to their country. It is allowed, that to oppose this was a cause in common to you with others. But they demanded the restitution of their gods, the altars, the property of their family; they demanded a restitution of their paternal estate, which you had unjustly seized. As the lawful claimants to all these demanded them with the sword in their hands, though where there is no right there can be no justification, yet still was it very justifiable for the intruder upon Pompey's estate to fight against Pompey's heirs.

While at Narbonne you was vomiting amidst your riotous entertainments, was not Dolabella fighting for you in Spain? But how did you return from Narbonne? Yet does Antonius demand why I so suddenly returned. Lately, conscript fathers, I laid before you the reason of my return. I was willing, had it been in my power, to have done some service to my country before the first of January. But, as you asked me how I found my way home, I answer, in the first place, by day, and not by night. In the next place, I was dressed in a gown and shoes, without either wooden pattens or a short cloak. So you look upon me with an angry eye. Indeed! But sure you would be glad to be friends with me, if you knew how much I am ashamed of that infamy which gives you no concern. Of all the indecencies among mankind, I never saw anything more scandalous. That you, who looked upon yourself as general of

the horse, who designed next year to solicit, or rather to demand, the consulship, should run through all the corporations and colonies of Gaul, in which we used to solicit for the consulship (during the times when it was solicited, and not demanded), in wooden pattens and a short cloak!

But observe the levity of this man! Having come to Red Rocks, about the tenth hour of the day, he slunk into a tippling booth, where he concealed himself, and drank hard till night. Then he drove in his chaise to the city as fast as he could, and came to his house muffled up. Who are you? says the porter. A letter-carrier from Marcus, answers the other. He is immediately introduced to the lady, on whose account he came; and he gives her a letter, which she reads with tears. It was, indeed, lovingly wrote, and contained in substance, "That from thenceforward he would have nothing to do with the actress; that he had transplanted all his thoughts from the one, and placed them upon the other." At this she wept again, and more plentifully. Then the good-natured man could not bear it; he unmuffled his head, and leaped upon her neck. Infamous wretch! (for do you deserve a more gentle epithet?) was it that a woman might unexpectedly, by your suddenly discovering yourself, see a male prostitute, that you filled the city with nocturnal terrors, and for many days struck a dread through all Italy? One object of your passion was at your house; but another, and a more scandalous one, was abroad, which was, lest Lucius Plancus should distress your bail. But when you was brought into the assembly by the tribune of the people, and answered, that your own affairs had brought you thither, you became even the jest of the populace.

But enough of these trifles; let us now come to affairs of greater importance. When Cæsar returned from Spain, you was by far the most forward of all others in meeting him: you both went and returned with despatch, that he might know, though you was not valiant, you at least was active. Again, some way or other, you came into his good graces: but this was the characteristic of Cæsar, that when he knew a man to be desperately in want, and in debt, and at the same time an

enterprising miscreant, he gladly received him into his bosom-friendship.

Having these eminent recommendations in your own person, he ordered that you should be returned consul along with himself. It was not amiss that Dolabella, then prompted to stand for it, was over-persuaded and bubbled. But how treacherously you have both behaved to Dolabella, is a secret to nobody. Cæsar prompted him to declare himself a candidate, while he appropriated and transferred to himself what was thus promised and accepted of; and you clubbed your interest with Cæsar in this piece of treachery. The first of January comes; we are forced into the senate-house. Dolabella then inveighed more freely, and more bitterly, against this fellow than I do now. But when he grew in a passion, good gods! what expressions did he use!

Then Cæsar first of all told us, that before he should set out, he would order that Dolabella should be consul. Yet they deny that a man who talked and acted in this manner, was a king. But when Cæsar had made this declaration, this good augur told us he was clothed with such a holy character, that he was able, by his auspices, either to stop the elections, or to render them void; and he made the most solemn asseverations that he would exert this power. Here you have one proof of his incredible stupidity.

For had you not been augur, and yet been consul, how was it more difficult to effect what you said you could do by your sacerdotal authority alone? Take care that it is not more easy; for we have only the right of declaring vested in us; the right of inspection is vested in the consuls, and even the other magistrates. Well, I admit this to be but a slip; for how can we expect exactness in a fellow always drunk? But remark his impudence: he said, a great many months before, in the senate-house, that he would either put a negative upon Dolabella's election by the auspices, or that he would do what he actually did. But could any man foresee what defect there was to be in the auspices, unless he had determined beforehand to interrupt the election, by observing them while the comitia were holding?

But this is never allowed of at the comitia by our laws; and if any augur has observed them, they ought to be declared, not while the comitia are holding, but before they are assembled. But his ignorance and impudence go hand in hand; he neither knows what becomes an augur, nor acts consistently with decency. You may remember his conduct as consul from that day to the Ides of March. Was ever beadle more fawning, more submissive? He could do nothing of himself; he solicited everything; and thrusting his head into Cæsar's litter, he petitioned his colleague for the gratuities which he himself exposed to sale.

The day comes for Dolabella's election; the preferring lots are drawn. He remains quiet: they are declared; still he says nothing: the first class of the prerogative tribe is called, their vote is reported; and then, as usual, the second class is summoned to vote: all this was done in less time than I have spoken it. When business was over, the worthy augur (who would not think him another Lælius?) called out, "Adjourn." Matchless impudence! What had you seen? What had you perceived? What had you heard? You neither then, nor to this day, pretend that you was observing the heavens. This bar, therefore, interposed, which so far back as the first of January you had seen and foretold. Therefore I trust in heaven that you have belied the auspices, rather to your own than your country's confusion. Under the pretence of religion, you embarrassed the Roman people. You, as an augur, protested against the election of an augur; and as a consul, against that of a consul. I'll go no farther, lest I should seem to shake the acts of Dolabella; which some time or other must necessarily be laid before our college.

But see the arrogance and insolence of this man! As long as you pleased, Dolabella was unduly elected consul; and as soon as you changed your mind, he is created with regular auspices. But if, when an augur declares in the words you used, that they go for nothing, confess that, when you called out "Adjourn," you was drunk; for if there is any validity in these words, I require you as a brother augur here to make it appear.

But lest in my speech I should skip over one most beautiful incident of the many that have happened in the course of Marcus Antonius's life, let me proceed to the Lupercal games. He is no hypocrite, conscript fathers. It is plain that he is now touched; he sweats, he grows pale; let him do anything but vomit, as he did in the Minucian portico. I should be glad to know what apology can be made for so scandalous a behaviour, that I may see what benefit he has obtained for the large wages he paid to his rhetoric-master, and for the Leontine field. Your colleague sat in the rostra, clothed in a purple robe, upon a golden throne, with a crown on his head. You went up to him; you approached his throne; though you was a Lupercal, yet still ought you to have remembered that you was at the same time a consul: you produced a royal diadem: the forum set up a general groan. From whence came that diadem? You did not take up one that was thrown away; but you brought from home the meditated, the concerted treason. Every time you put it on his head, the people set up a groan of anguish: but when he rejected it, a shout of applause. You therefore, traitor, you alone, after establishing tyranny, desired to have the man who was your colleague to be your sovereign; and at the same time you made the experiment how far the patience and forbearance of the Roman people could extend.

You then affected to move his compassion: you threw yourself as a suppliant at his feet: for what favour? That you might be a slave. This could be a favour to you alone, who, from your childhood, have lived so as to bear anything; have lived so as to render you a supple slave: but sure you had no such commission from us and the people of Rome. Comely was your eloquence, when you harangued the people naked. Could anything be more disgraceful, more infamous, more meriting the severest penalties than this? Do you expect that I am to goad you with my stings? If you had the smallest particle of sensation about you, this speech must wound, must harrow up your soul. Tender as I am of detracting from the glory of the greatest of mankind, yet let me speak it in the anguish of my spirit; what can be more shameful than that the

man who bestowed a royal diadem should live, whilst all the world confesses that the man who rejected it was deservedly put to death? He even ordered this inscription to be entered into the calendar at the time of the Lupercals: "That Marcus Antonius, the consul, at the command of the people offered royalty to Caius Cæsar, perpetual dictator; but that Cæsar refused it." Now, indeed, I am not at all surprised that you disturb the public tranquillity; that you not only hate the city, but the sun; that you pass your life with these most abandoned ruffians, not only intemperately, but without any manner of thought; for in time of peace where can you have a footing? How can you be sheltered by laws and regulations, who did your best, by introducing sovereign authority, to abolish them? Was Lucius Tarquinius banished? Was Spurius Cassius, Spurius Melius, Marcus Manlius, put to death for this, that many ages after, contrary to all law, a king should be set up at Rome by Marcus Antonius? But to return to the auspices.

Give me leave to ask you, how you would have behaved in the business which was to have come before Cæsar on the Ides of March. I hear, indeed, that you came prepared, because you imagined that I was to have spoken upon the auspices, which, though fictitious, there was a necessity of obeying. The guardian genius of Rome freed you from the danger of that day: but do you imagine that the death of Cæsar has prevented your being tried upon the nature of these auspices? But I have touched upon a juncture prior to those facts with which my speech set out.

How you fled, how you trembled on that glorious day! Into what a fit of despair did you fall through the consciousness of your guilt, while out of the general rout you privately retired to your own house, being favoured by those who meant that you should be safe, even if you could have been found. O my vainly unerring, prophetic spirit! I told our brave deliverers in the Capitol, when they desired me to go and exhort you to protect the state, that while you was under the influence of fear, you would promise everything; but, that influence removed, you would return to your own nature. Therefore, while the

other consulars were going to, and returning from you, I was still fixed in my opinion; I did not see you all that and the following day, as not believing that any coalition could be formed by any ties, betwixt the best of patriots and most inveterate of rebels. Three days after I came to the temple of Tellus, even against my will, since the avenues to it were blocked up by soldiers under arms. What a day, Marcus Antonius, was that for you! Though all of a sudden you have commenced my foe, yet do you move my pity, in that you have thus become your own.

Immortal gods! how good, how great a man you might have been, could you have retained a just sense of what passed on that day! We might have had a peace that was sealed by a hostage, a noble youth, the grandson of Marcus Bambalio. Though fear for a while made you a worthy citizen, yet the restraint was but of a short continuance. That audaciousness which is your inseparable attendant when you are not influenced by fear, rendered you a miscreant. And even at that time, while you stood fairest in their opinion, though I still dissented, like a traitor as you was, you was chief mourner at the funeral of the tyrant, if a funeral it can be called: thine was his plausible panegyric; thine the pity that was expressed, and thine the exhortation that was delivered. You, you, I say, kindled those brands with which his body was half consumed, and those which burnt down the house of Lucius Bellicenus. It was you who let loose upon us those desperate ruffians, for the most part slaves, whose attacks we were forced to repel by violence; yet, as if your foulness had been wiped off, the following days you passed some noble decrees of the senate in the Capitol, that no bill for a favour should be affixed, on account of any man, after the Ides of March. You yourself mentioned the exiles. You know what you said about immunities. But, to crown all, you for ever abolished out of the government the office of dictator. By this last action it appeared that you had so entire an aversion to kingly government, that you was resolved to take away all apprehension of it, upon the account of the last dictator.

To others the state of affairs seemed to be in tranquillity; but far different were my thoughts; for while you sat at the helm, I dreaded a general wreck. Was I mistaken in him? Or could he longer be unlike himself? Bills were stuck up all over the Capitol in your sight; immunities passed not only to single persons, but to whole states; the privileges of Rome were granted not only to individuals, but to whole provinces. Therefore, conscript fathers, if these acts shall remain in force, which could have no force, were our constitution inviolate, you may bid adieu to all your provinces. Not only your revenues, but the whole system of Roman power must sink by this domestic venality.

Where is the 5,000,000 of money which was entered in the books kept in the temple of Ops? Fatal, indeed, were his treasures. But, provided they were not returned to their right owners, they were sufficient to supply the exigencies of state. But by what means could you, who, on the Ides of March, was in debt for above thirty thousand pounds, pay it clear off before the first of April? Innumerable, indeed, were the favours which by your connivance were introduced by different hands; but one notable decree was stuck up in the Capitol relating to Dejotarus, the firm friend of the Roman people; a measure which, in the midst of his deepest concern, no one could help laughing at. For was ever one man more the enemy of another, than Cæsar was of Dejotarus? As much so as he was of this order, of the Roman knights, of the inhabitants of Marseilles, and of all those whose passion was for the glory of the Roman empire. Dejotarus, therefore, became the favourite of a man when dead, from whom, when alive, he neither, either present or absent, received the least kindness, or the least justice. While Cæsar was alive, he prosecuted Dejotarus, who entertained him at his court; he fleeced him of his money; he placed one of his Greek attendants over his tetrarchy; he deprived him of Armenia, which had been granted him by the senate; and all this, which when alive, he robbed him of, when dead, he restored to him.

But what is his language? Sometimes he says, he thinks it

reasonable, and sometimes not unreasonable: a rare jingle of words! But Cæsar never said that anything even appeared reasonable to him that we solicited for Dejotarus, for whose interest I always appeared in his absence. A note under his own hand, for the sum of above seventy-eight thousand pounds, was, without my knowledge, or the knowledge of any of his other friends, drawn by the deputies of Dejotarus (men of honour, indeed, but dastardly, and inexperienced), in his seraglio, which was, and still is, a mart of venality for many wicked purposes. My advice is, that you should consider well how you are to dispose of this note; for that prince, by his own bravery and address, without having recourse to any of Cæsar's journals, recovered his estate as soon as he heard of his death. As he was a wise man, he knew well that whatever tyrants plunder from the lawful possessors, the lawful possessors, upon the death of the tyrant, have a right to recover it. None of your lawyers, therefore (not even that fellow who is your sole agent, and who advised you to this step), pretend that you have a title, by virtue of this note, to anything that was recovered before it was granted; for he did not buy it of you, because he was in possession of his property before that bargain was made. Dejotarus acted like a man; but we, like despicable sycophants, who ratify the acts of the tyrant we detest.

What need to mention the endless journals, and the numberless notes of hand, which forgers usually sell like prize-fighting bills? Hence it is, that such heaps of coin are piled up at his house, that it is not told, but weighed out. But how blind is avarice! A bill was lately stuck up, by which the most wealthy cities of Crete were freed from taxes; and it is enacted, that that island should cease to be a province after the expiration of the proconsulate of Marcus Brutus. Art thou in thy senses? Oughtest thou not to be confined? Could Cæsar order its exemption after that term, when the truth is, that Brutus had nothing to do with Crete while Cæsar was alive? But, lest ye should think there is nothing in this, ye have lost the province of Crete by the venality of this decree. Never did any man buy anything that Antonius is not ready to sell.

Did Cæsar too pass the law relating to exiles, which you stuck up? I insult no man upon his misfortunes; yet I complain, in the first place, that they whose case Cæsar adjudged to be different, have been put upon a scandalous footing as to their return from banishment. In the next place, I can see no reason why you should not extend this indulgence to all; for not above three or four are excepted. Why should not they who are equally partners in calamity, be equally the objects of your compassion? Why should you treat these as if each of them was your uncle, whom you refused to recommend when you recommended others, whom, however, you prompted to stand for the censorship; and for that purpose prepared a petition, which at once raised the laughter and the indignation of mankind?

But why did you not hold the comitia? Was it because a tribune of the people informed you that he had heard thunder on his left hand, though heaven never interests itself in what concerns you? But in what concerns your relations, you are scrupulously religious. How! did you not desert him when he put in to be a septemvir? But he intruded. What was you afraid of? I suppose, lest you could not have denied him without exposing yourself. You affronted the man by all kinds of abuse, whom, had you had the least sense of your duty, you ought to have looked upon as a second father. You drove away his daughter, your cousin, having first looked out, and bargained for another match. That was not enough; you scandalously defamed a woman of the strictest virtue. Could you go farther? Yes, you was not even satisfied with that; in a full house of the senate, where your uncle was present on the first of January, you had the impudence to say that the ground of your difference with Dolabella, was, because you had discovered that he had debauched your cousin and wife. Who can say, on this occasion, which was most predominant: your impudence in the senate, your villainy against Dolabella, your indecency in the hearing of your father, or your cruel language against an unfortunate lady?

But let us return to the notes of hand. Where then were

your proofs? For Cæsar's acts were, for the sake of peace, ratified by the senate; at least, all that Cæsar enacted; not all that Antonius said he had enacted. From whence are they issued? Upon what authority are they produced? If false, why are they valid? If genuine, why are they sold? But it was the sense of the senate that, from the first of June, the consuls should, with assistants, take cognizance of the acts of Cæsar. But who were these assistants? Whom did you ever summon? What first of June did you expect? That on which, having made a circuit over all the colonies of the veterans, you returned to Rome, guarded with an armed force. How glorious was that progress during the months of April and May! Even when you attempted to introduce your Capuan settlement, we know what a retreat you made from thence, or rather what a stay you had almost made.

You threaten Capua; I wish you would proceed so far, as that the "almost" I just now mentioned may be out of the question. But how grand was that procession of yours! Need I mention your sumptuous entertainments, or your incessant hard drinking? But that was your loss; the other was ours. When the territory of Campania was exempted from taxes, that it might be divided among the soldiers, we thought it a gross violation of the constitution. But you divided it amongst your gamesters and debauchees. Would you believe it, conscript fathers, that actors and actresses were settled upon the Campanian territories? After that, why should I complain of the territory of Leontium? Yet, both these estates brought in a large and plentiful revenue to the public treasury of the Roman people. Three thousand acres to a physician, as if he could have made you sound; and two thousand to a rhetoric master, as if he could have made you eloquent. But let us return to your journey, and the country of Italy.

You brought a colony to settle at Casilinum, where Cæsar had settled one before. You consulted me, indeed, by letters, about the affair of Capua (had you done the same with regard to Casilinum, I had returned you the same answer), whether you could lawfully bring a new colony to a place where a

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colony had been already settled? I denied that while a colony, which was settled by regular auspices, was unimpaired, any new one could be brought in; but I admitted that new planters might be added to the former. You, however, insolently disregarding and violating all the laws of auspices, brought a colony to Casilinum, where another had been settled a few years before, that you might rear a banner, and drive a plough round, the share of which almost rubbed upon the gate of Capua, that you might impair the territory of a very flourishing people.

After this violation of what was sacred, you flew to the Casilian estate of M. Varro, a man of the greatest sanctity and integrity. By what right? With what face? The same, you will say, as those with which you dispossessed the heirs of L. Rubrius and Lucius Tursellius of their estates, and got possession of a great many more. If you bought it at a sale, let the sale be legal, let the bills be legal; I mean Cæsar's bills, not yours; the bills by which you are a debtor, not those by which your debts was paid. But who can pretend that the Casilian estate of Varro was sold? Who ever saw the conditions of sale? Who ever heard the voice of an auctioneer? You say you sent one to Alexandria to purchase it of Cæsar; because it would seem that it was too long to wait till Cæsar should come to Rome.

But who ever heard (though there was no man in whom the public took greater concern) that any part of Varro's estate was sequestered? Yet should it be proved that Cæsar himself wrote to you, that you should refund it, what had enough can be expressed of such impudence? Call off, but for a little, those arms which are in our view; I will let you know the difference betwixt Cæsar's authority for ordering a sale, and your audacity. For not only is it in the power of Varro himself, as a proprietor, but of any friend, neighbour, guest, or steward that he has, to drive you out of that estate.

But how many days did you shamefully revel in that villa? From the third hour there was but one continued round of drinking, gaming, and vomiting; the very roofs were to be

pitied; what a change of masters was there! But how can he be called their master? How unlike is he to the person whom he dispossessed! For Marcus Varro meant that this seat should be a retreat for study, and not a haunt for lewdness. In that retirement, before that time, how delightful were the conversations, the reasonings, the writings upon the constitution of the Roman people, the monuments of our fathers, and upon the speculations and practice of philosophy! But during your intrusion (for I will not call it possession) all parts resounded with the noise of drunkards: the pavements were deluged, the walls were stained with wine: boys of liberal birth and education were confounded with mercenary catamites, and matrons with common whores. People came from Casilinum, Aquinum, Interamna, to pay you their compliments: no one had access. There you was right; for the insignia of dignity are tarnished by a scandalous character.

In his return to Rome, when he came to Aquinum, which is a populous town, great numbers came out to meet him; but he was carried in a close sedan through the streets, as if he had been dead. The inhabitants of Aquinum acted foolishly, if you will; but what could they do? They lived on the road. But how can those of Anagni be excused, who were distant from his rout, yet came down, and paid him all the compliments due to a real consul. Who can believe it? Yet, by all accounts, he never returned one salute; though he had in his retinue two inhabitants of Anagni, Mustela and Iaco; the first an excellent fencer, the other a famous drinker. Why should I recount the threatenings and abuses he threw out against the Sidicinians? He oppressed the inhabitants of Puteoli for having put themselves under the patronage of the Bruti and of Cassius, which they did from a strong principle of affection, from friendship and love; not from dread and terror, as they followed you and Basilus, whom nobody would choose as clients, much less as patrons.

In the meantime, during your absence, what a glorious event happened to your colleague, when in the forum he demolished the burial-place which you used to worship? Upon your

hearing this news, we are told by those who were in Your train, you were struck with astonishment. What happened afterwards I know not; I suppose fear, and the terror of arms, then took place. You dispossessed your colleague of the heaven of his glory; you rendered him, indeed, not so vile as Antonius, but surely far unlike to Dolabella. But how did you return to Rome? You struck the whole city with consternation.

We have remembered Cinna too powerful; Sulla afterwards domineering; we had just seen an end of Cæsar's reign. These, perhaps, had swords; but their swords were sheathed, and but few in number. But how like a march of barbarians was that! Battalions of soldiers, with their swords drawn, attended him; and we saw bucklers, piled up in litters, borne along. But, conscript fathers, so frequent were these objects, that our senses were grown quite callous on beholding them. On the first of June, when by adjournment we attempted to meet in the senate, struck with sudden fear, we each of us fled.

But he who neither wanted nor desired a senate, and was rather glad at our departure, immediately set about his strange and wonderful operations. He who, while he could gain by it, had stood up for the validity of Cæsar's notes, disannulled Cæsar's laws, though some of them excellent in themselves, that he might overthrow the constitution. He increased the number of years during which a province could be held; and the same man, who ought to have been a champion for Cæsar's acts, repealed them all, whether of a public or private nature. In public concerns, nothing is more authentic than a law; in private, nothing more binding than a will. Some laws he disannulled without any promulgation; others he stuck up, that he might abrogate those already promulged. He disannulled a will; and deed that, even amongst the lowest rank of citizens, is always held valid. The statues and pictures, which, together with his gardens, Cæsar had bequeathed as a legacy to the Roman people; these he carried off, partly to Pompey's gardens, partly to Scipio's villa.

Are you then jealous of Cæsar's memory? Do you love him

even in death? What greater honour could he attain to whilst alive, than to have a shrine, an image, a pavilion, and a priest? Therefore, as Jove, as Mars, as Romulus, have their priests, so is Marcus Antonius priest to the deified Cæsar. Why do you stop here? Why are you not consecrated? Name your day; look out for a proper person to perform the ceremony; we are colleagues; no one will withstand it. Detestable wretch! whether considered as the priest of a tyrant, or of a breathless body. I then demand of you, whether you know what a day this is? Are you ignorant that yesterday was the fourth day of the Roman games in the circus? That you yourself proposed a law to the people, that a fifth day should be reserved for Cæsar? Why then are we not in our proper robes? Why do we now suffer an honour to Cæsar, decreed by your law, to be neglected? Do you, who have suffered that a day should be profaned by the addition of thanksgivings, refuse him shrines? Either abolish your superstition in every respect, or preserve it entire.

You may perhaps demand of me, whether I approve of a shrine, a pavilion, and a priest? No, I am against them all. But you, who insist upon ratifying the acts of Cæsar, how can you account for ratifying some, and neglecting others? Unless by owning that you made everything square with your own interest, not with his dignity. What other answer can you make? I am impatient to have a specimen of your oratorical faculties. I know that your grandfather was a man of great eloquence, but he never was so perspicuous a speaker as you; for he never harangued naked. Your plain honesty bared your very bosom to us. What! no answer to this? Will you not so much as attempt to open upon me? Is there nothing in all this long oration which you can hope to answer? But what is past I omit.

This very day, at the very moment of time in which I am speaking, account for it if you can, why the senate is environed with a body of soldiers under arms? Why are your guards here present with swords in their hands? Why are not the doors of the temple of concord thrown open? Why do you

bring into the forum the Ityræans, a race the most savage of all mankind, with their quivers and their darts? He answers me, that he does it to guard himself. Are not a thousand deaths then preferable to your not being able to live in your own country without a guard of armed soldiers? But feeble and weak, believe me, is that guard; the affections, the love of your fellow-citizens, and not your arms, must be your defence. These the Roman people will pluck out of your hands, and I hope we shall live to see it. But, however you may dispose of us, believe me, in following such counsellors, your reign will be but short. For too long a time has thy generous spouse (I mention her, I hope, with decency) owed the third debt she has to pay to the people of Rome. The Romans have still able steersmen to place at the helm of their government. Through whatever quarters of the world they are dispersed, with them remains the safety of this state, or rather the state itself, which, though just avenged of her wrongs, has not yet recovered her lustre. True it is, our country has youths of the greatest quality and virtues, determined to defend her. However conveniency may make it expedient for them to retire, yet the distresses of their country will recall them. Sweet is the name of peace, and salutary her qualities; but wide is the difference between peace and servitude. Peace is the tranquillity of freedom. Slavery, the most detestable of evils, is to be averted, not by the use of force only, but even by taking away life; and though our brave deliverers have withdrawn themselves from our eyes, yet have they left us a glorious precedent. They have done what no man ever did before; Brutus, in the field of battle, fought Tarquin, who was a king, while monarchy was agreeable to the constitution of Rome. Spurius Cassius, Spurius Melius, Marcus Manlius, were put to death for incurring but a suspicion of affecting royalty. But our deliverers have the merit of being the first whose swords reached not the affector, but the possessor of regal power; an action which, as it was glorious, nay, divine in itself, so it is worthy our imitation; since the glory of its authors is such, as that heaven itself seems too narrow to contain it. For though the consciousness of perform-

ing an amiable action is a sufficient reward, yet, in my opinion, immortality ought not to appear a despicable prize to a mortal.

Call to mind, therefore, Marcus Antonius, that glorious day when you abolished the dictatorship; set in view the transports of the senate and the people of Rome; oppose to these objects the bags hoarded up by thee and thine; then wilt thou be sensible of the difference betwixt praise and profit. But vain is the exhortation; for as some people, benumbed and diseased, lose all taste for the most savoury food, thus the lustful, the covetous, the guilty, can never taste the exalted relish of true glory. But if glory has no charms to bring you back to your duty, has fear nothing to deter you from your miscreant purposes? You disregard all judiciary proceedings: if this arises from a consciousness of innocence, I commend it; if from the insolence of power, little are you sensible how much the man has to dread who entertains such a disregard. But, if you are above dreading anything from brave men, and worthy citizens, whom, by means of your arms, you set at defiance, as to any attempt upon your person; yet, believe me, your own creatures will not long endure you. What a life it is, to be day and night in alarms from your own people, unless they are under greater obligations to you than any of Caesar's destroyers were to him! But, are you in any respect to be compared with him? He had capacity, sense, memory, learning, foresight, reflection, and spirit. His warlike achievements, though ruinous to his country, were glorious to himself. Through inexpressible toil, through numberless dangers, he laid a scheme for a long possession of power. What he projected he perfected. With presents, with shows, with largesses, with entertainments, he soothed the thoughtless vulgar; by his liberality he obliged his friends; and by a semblance of clemency, his enemies. In short, partly by fear, and partly by patience, he made the habit of slavery tolerable to a free state.

The lust of power, I own, was indeed common to you both; though in no other respect can you admit of a comparison with him. But from all the misfortunes inflicted by him upon his country, this advantage accrued, that the people of Rome have

learned how far any man is to be believed; they have learned whom to trust, and of whom to beware. But this gives you no concern; nor do you conceive what it is for brave men to have now learned how amiable in itself, how agreeable in the consequences, and how glorious it is in report, to kill a tyrant. If they could not bear with a Cæsar, will they endure Antonius?

Believe me, the world will henceforward eagerly rush upon such an enterprise; nor will they need ever wait long for an opportunity. Cast a considering eye, Marcus Antonius, at last upon your country. Reflect not on those with whom you live, but on those from whom you are descended. However you may stand with me, yet reconcile yourself to your country. But of this you are the best judge. One thing on my own part I will here openly declare. In my youth I defended my country; in my old age I will not abandon her. The sword of Catiline I despised, and never shall I dread yours. With pleasure should I expose my person, if by my blood the liberties of Rome could be immediately recovered, and the people of Rome delivered from that painful burden they have been so long in labour of. For if, almost twenty years ago, in this very temple, I declared that no death could be untimely to me, when consular; much more truly can I declare the same now, when I am an aged man. To me, conscript fathers, death is even desirable, now I have performed all the duties which my station and character required. Two things only I have now to wish for: the first (than which the gods themselves can bestow nothing on me more grateful) is, that I may leave Rome in the enjoyment of her liberty; the other, that the reward of every man be proportioned to what he has deserved of his country.

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